

URBAN/MUNICIPAL
CA4 ON HBL AOS
CSIP4
1994

AGENDA / MINUTES OF THE
PLANNING AND DEVELOPMENT
COMMITTEE

JUNE 22, 1994



CA4 ON HBL A05
CSIP4
1994Urban Municipal Coll.
2nd Floor
Hamilton Public Library**NOTICE OF MEETING****PLANNING AND DEVELOPMENT COMMITTEE****Wednesday, 1994 June 22nd****9:30 o'clock a.m.****Room 233, City Hall****Tina Agnello
Secretary****A G E N D A****PUBLIC MEETINGS**

1. Zoning Application 94-13, N. MacInnis and J. MacInnis, owners, for a change in zoning from "AA" District to "C" District, for lands located at 185 Annabelle Street; Gourley Neighbourhood.
2. Amendment to the Official Plan and Zoning Application 94-09, Seven Towers Non-Profit Family Day Care Inc., owner, for a further modification to the "C" District regulations, for lands located at 44 Greendale Drive; Gilkson Neighbourhood.

Submissions:

- (a) Mr. & Mrs. Gruener, 21 Greendale Drive, Hamilton.
- (b) Mr. & Mrs. Edwards, 190 Golden Orchard Drive, Hamilton.

3. COMMISSIONER OF PLANNING AND DEVELOPMENT

- (a) City Initiative 93-C - Review of Minimum Lighting Requirements for Public Parking Lots.
- (b) Site Plan Control Application DA-92-13, by Ritlyn Investments, owner of lands at 95 Mary Street, to establish a parking lot; Beasley Neighbourhood.
- (c) Official Plan Amendment and Zoning Application 94-03 - 180 Walnut Street - Tabled at a previous meeting.

- (d) (i) Proposed Official Plan Amendment Application;
- (ii) Zoning Application 93-39 - North-west corner of Rymal Road West and Garth Street;
- (iii) Proposed Draft Plan of Subdivision (Regional File 25T-93013).

4. **DELEGATIONS**

ALDERMAN D. AGOSTINO

Re: Walkway Closure at 300-304 St. Andrews Drive.

5. **BUILDING COMMISSIONER**

- (a) Amendment to By-law 93-167 - Authorizing Building Permits and Fees for Tents.
- (b) Retaining Walls.

6. **REFERRAL BACK FROM COUNCIL**

Lot Grading Control with respect to Land Severance Applications creating One, Two & Three Lots.

7. **CONSENT AGENDA**

8. **PRIVATE & CONFIDENTIAL AGENDA**

9. **OTHER BUSINESS**

10. **ADJOURNMENT**

PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	Mobile Signs		Planning	Report Pending
2.	ZA-91-12 - 25 Hess Street South	1992 June 24	Applicant	Tabled for negotiations between parties
3.	Definition of "Foster Home" and "Residential Care Facility"	1992 November 18	Alderman T. Cooke	Planning & Building Departments to prepare a report
4.	Lot Grading with respect to Land Severance Applications creating 1, 2 & 3 Lots	1993 February 3	Alderman H. Merling	Tabled to allow previous Sub-Committee to review matter
5.	Implementation of Public Participation Policies - Central Area Plan	1993 March 24	Planning	Planning to prepare guidelines based on CAPIC Report dated 1993 March 11
6.	Possible amendment to By-law 77-224 Re: Pumps and Filters for Swimming Pools	1993 October 6	Building Commissioner and Director of Local Planning	Report Pending

No.	Item	Original Date	Action	Status
7.	Closure of Walkway between Fonthill Road and Upper Paradise Road	1993 November 3	Transport and Environment Committee	Awaiting recommendation on assumption of walkway
8.	Review of Parking Lot Regulations - Minimum lighting requirement for safety	1993 November 3	Planning	Report Pending
9.	Report on Merits of having Regional Planning Department back to City level	1994 February 16	J. Pavelka, C.A.O.	Tabled
10.	Demolition permits for one & two family dwellings	1994 March 23	Law Department	Referred to staff for legal review
11.	Mayor's Task Force on Downtown Issues.	1994 April 16	Various Departments	Reports forthcoming to Committee.
12.	ZA-94-03 180 Walnut Street South	1994 April 20	Applicant	Amended application to be brought back to Committee.
13.	ZA-93-47 200 Rymal Road East	1994 April 20	Applicant	Tabled to allow applicant to resubmit amended application.

Tina Agnello, Secretary
1994 June 16

1.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 June 8
ZAC-94-13
Gourley Neighbourhood

JUN 15 1994

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V. J. Abraham
Director of Local Planning

SUBJECT: Request for a change in zoning for lands located at No. 185
Annabelle Street.



RECOMMENDATION:

1. That approval be given to Zoning Application 94-13, Norman and Jacqueline MacInnis, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the development of the subject lands for a single-family dwelling, for property located at 185 Annabelle Street, shown on the attached map marked as APPENDIX "A", on the following basis:
 - a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
 - b) That the Director of Local Planning be directed to prepare a By-law to amend Zoning By-law No. 6593 in a form satisfactory to the City Solicitor, and Zoning District Map W-17C for presentation to City Council; and,
 - c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-Law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for the lands located at 185 Annabelle Street, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit development of the subject lands for a single-family dwelling, fronting onto Annabelle Street.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant has applied for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for lands located at 185 Annabelle Street, shown on the attached map marked as APPENDIX "A".

- Zoning Application 89-29

The applicant submitted Zoning Application 89-29, on March 27, 1987, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for lands located at 185 Annabelle Street, to permit a single-family dwelling fronting onto Annabelle Street (i.e. now existing). Subsequently, the City of Hamilton Committee of Adjustment approved a minor variance, so as to permit the construction of a single-family dwelling on the lands having a reduced lot width and lot area, and a reduced south side yard. Therefore, the zoning file was closed.

- Land Division Committee Applications H-62-93

The applicant filed the above-mentioned land severance applications to convey a vacant parcel of land measuring 13.620 m x 56.007 m for residential purposes and to retain the balance of the holding measuring 16.899 m x 56.007 m, which is occupied by a single-family dwelling (see Appendix "B").

The Land Division Committee granted the application subject to final approval of any necessary change of zoning/zoning amendment. The applicant must fulfil this condition by July 13, 1994. As a result the subject Zoning Application has been made.

APPLICANT:

Norman and Jacqueline MacInnis, owner.

LOT SIZE AND AREA:

- 30.519 m (100 ft.) of frontage on Annabelle Street;
- 56.007 m (184.00 ft.) of lot depth; and,
- 1709.2776 m² (18,400 sq. ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Single Family Dwelling	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	Single-Family Dwellings	"C" (Urban Protected Residential, etc.) District
to the west, east and south	Single-Family Dwelling	"AA (Agricultural) District

OFFICIAL PLAN:

The subject lands are designated **Residential** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together."

In addition, the following policies of Subsection C.7 - Residential Environment and Housing Policy should be noted:

"C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

- i) Provision and maintenance of adequate off-street parking;"

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The lands are designated "SINGLE AND DOUBLE RESIDENTIAL" on the approved Gourley Neighbourhood Plan. The proposal complies with the intent of the Plan.

RESULTS OF CIRCULARIZATION:

- The following Agencies have no comment or objection:

- Building Department;
- Traffic Department;
- Union Gas; and,
- Hamilton Region Conservation Authority.

- The Roads Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

Annabelle Street is established at 20.12m and no further road allowance widenings are anticipated at this time.

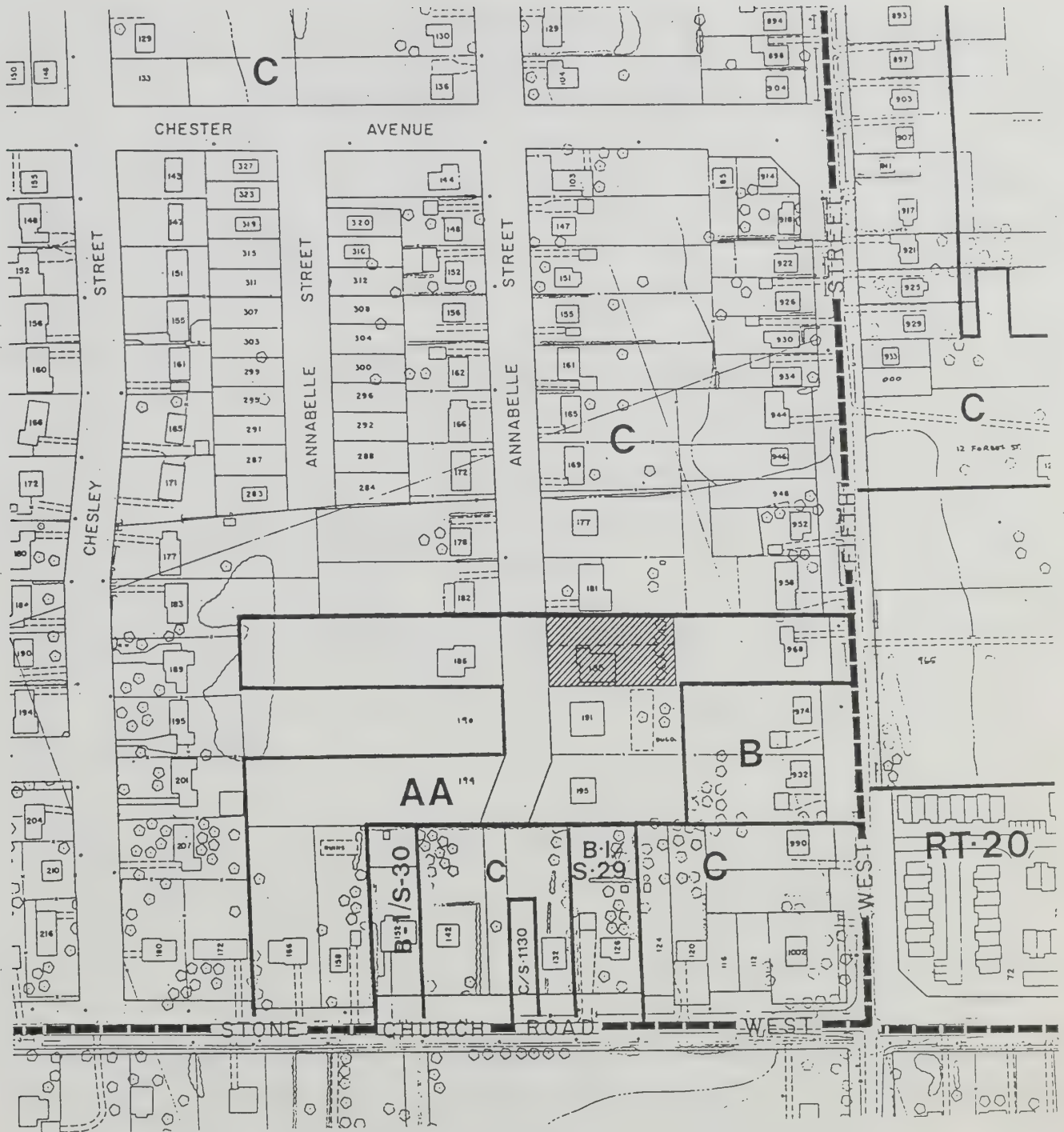
In the absence of any details shown, we advise that any works which may occur within the Annabelle Street road allowance must conform to the City of Hamilton Streets By-law."

COMMENTS:

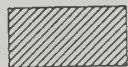
1. The proposal complies with the intent of the Official Plan and the approved Gourley Neighbourhood Plan.
2. The proposal can be supported for the following reasons:
 - i) Complies with the intent of Official Plan and implements the approved Gourley Neighbourhood Plan which designates the lands "SINGLE AND DOUBLE RESIDENTIAL";
 - ii) It represents infill within an established residential area;
 - iii) The proposal is compatible with the existing pattern of development in the area; and,
 - iv) The proposed lots meet the minimum requirements of the "C" District (i.e. lot width and area).

CONCLUSION:

Based on the foregoing, the proposal can be supported.



Legend



Site of the Application



APPENDIX A



CITY OF HAMILTON
- RECOMMENDATION -

JUN 15 1994

DATE: 1994 June 14
ZAC-94-09
Gilkson Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V. J. Abraham
Director of Local Planning

SUBJECT: Request for an Official Plan Amendment and further
modification in zoning - 44 Greendale Drive

RECOMMENDATION:

1. That approval be given to Official Plan Amendment No. to establish a new Special Policy Area to permit an office use in a Residential designation, for property located at 44 Greendale Drive and that the City Solicitor be directed to prepare the By-law of Adoption for submission to the Regional Municipality of Hamilton-Wentworth.
2. That approval be given to amended Zoning Application ZAC-94-09, Seven Towers Non-Profit Family Day Care Inc., owner, requesting a further modification to the established "C" (Urban Protected Residential, etc.) District to permit branch administrative offices for a day care agency and a day care centre for the accommodation of a maximum of 104 children, on lands located at 44 Greendale Drive as shown on the attached map marked as APPENDIX "A", on the following basis:
 - a) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of By-law No. 6593, as amended by By-law No. 75-190, applicable to the subject lands, be further modified to include the following variances as special requirements:

- i) That Clause 1 of Section 2 of By-law No. 75-190 be deleted and replaced with the following:
 - "1. That notwithstanding Section 9(1)(iii) of Zoning By-law No. 6593, a day nursery for the accommodation of not more than 104 children will be permitted; and,
 - 2. That notwithstanding Section 9(1) of Zoning By-law No. 6593, an administrative office for a child care agency only will be permitted in conjunction with an existing day nursery."
 - b) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-420a, and that the subject lands on Zoning District Map W-27B be notated S-420a;
 - c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, and By-law No. 75-190, and Zoning District Map W-27B for presentation to City Council;
 - d) That the proposed changes in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth; and,
 - e) That the approved Gilkson Neighbourhood Plan be amended to add a note that an office use exists in conjunction with the children's day nursery.
3. That this proposed addition (see APPENDIX "B" attached) be exempt from Site Plan Control.

EXPLANATORY NOTE:

The purpose of the by-law is to further modify the existing "C" (Urban Protected Residential, etc.) District regulations for lands located at 44 Greendale Drive, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit an administrative office for a child care agency in conjunction with an existing day nursery and to reduce the maximum number of children to be accommodated at an existing day nursery from 200 to 104.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant is requesting a further modification to the established "C" (Urban Protected Residential, etc.) District regulations to permit a branch administrative office for a child care agency and to reduce the maximum number of children to be accommodated at an existing day nursery from the present limit of 200 to 104 children. The proposed office use is to be located in an addition of approximately 101.65 m² (1,094.2 feet²) proposed on the west side of the existing building (see APPENDIX "B").

- By-law No. 75-190

City Council, on June 24, 1975, passed By-law No. 75-190, which modified the "C" (Urban Protected Residential, etc.) District provisions applicable to the subject lands to permit a day nursery for the accommodation of not more than 200 children, and to place the lands under Site Plan Control.

APPLICANT:

Seven Towers Non-Profit Day Care Inc., owner.

LOT SIZE AND AREA:

The subject property has:

- a frontage of 45.72 m (150 feet);
- a depth of 80.44 m (263.9 feet); and,
- a lot area of approximately 3677.45 m² (39,585 feet²).

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Children's Day Nursery	"C" (Urban Protected Residential, etc.) District, modified
<u>Surrounding Lands</u>		
to the north	Vacant Land - Freeway Right of Way	"DE" (Low Density Multiple Dwellings) District, modified
to the east	Street Townhouses	"RT-10" (Townhouse) District, modified
to the south and west	Townhouses	"DE" (Low Density Multiple Dwellings) District, modified

OFFICIAL PLAN:

The subject lands are designated **Residential** on Schedule 'A' - Land Use Concept of the Official Plan. The following policies, amongst others, should be noted:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:
- ii) Schools, churches and similar institutional uses less than .4 hectare in size, in accordance with the provisions for Major Institutional Uses as set out in Subsection A.2.6 of this Plan;
 - iv) Limited individual or groups of commercial uses on sites not exceeding .4 hectare in area, excluding Automobile Service Stations, in accordance with the Local Commercial Uses and General Provisions set out in Subsection A.2.2 of this Plan.

- A.2.2.25 The LOCAL COMMERCIAL category applies to groups of, or individual commercial establishments and local business and professional offices serving the daily retail needs of surrounding residents, and primarily dependent upon pedestrian access."

The proposal does not comply with the Official Plan since the proposed office use does not serve the local needs of the residents. Approval of the application will necessitate an amendment to the Official Plan to establish a new Special Policy Area to permit the proposed office use.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Civic & Institutional" on the approved Gilkson Neighbourhood Plan. Approval of the application would require a note on the approved plan that the "office" exists in conjunction with the "children's day care centre".

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority, the Property Department and the Ministry of Community and Social Services have no comment or objection.
- The Traffic Department advises:

"Our review of the preliminary plan submitted with the application indicates that the proposed addition to the west end of the existing building will eliminate two or three parking spaces, reducing the total number of parking spaces provided to 18. In accordance with the Zoning By-law 6593, parking is required at the rate of one space per six children who may be lawfully accommodated. Therefore, the reduction in parking spaces to 18 will reduce the capacity of the day care centre to 108 children.

The proposed modification to the zoning is satisfactory subject to the condition that the capacity of the day care centre be limited to 108.

With respect to your further request for comments regarding the required Official Plan Amendment to establish a new Special Policy Area, please be advised that we have no comment."

- The Department of Social Services advises:

"Thank you for the opportunity to comment on this application. Generally, the Department would support this application, provided the applicant does not intend to finance the addition through the child care subsidies it receives from the Region. Subsidies are provided for care and cannot be used for supporting office space.

In preparing this response, the Department's experience in the areas of child care and employment have been drawn on, along with the principles of sustainable development. We understand the renovations are to make changes to the existing space and to allow the applicant to consolidate their operations. The proponent offers private home day care and homemaking services as well as the day care centre on site.

This is one of several changes the applicant is making to its on site day care operation at this address. It is the first Day Nursery in the Region of Hamilton-Wentworth to convert to non-profit, following the provincial policy direction. The Centre also has plans to change its licence to have school aged children on the site. The second change will allow the centre to offer summer programming to school aged children. This will allow another option for school aged children in an area which has few licensed child care facilities. A table with information about the neighbouring centres is attached.

The consolidation of the office with the day care centre will offer the potential of on-site child care for employees of the centre. This is a distinct advantage for employees with young children.

This proposal follows the principles of sustainable development in two ways. First, it will provide employment opportunities within walking distance of the residents of the subdivision. Second, it will offer a variety of services on location within the neighbourhood."

- The Roads Department advises:

"Our Environmental Services Department advises that there are public watermains and separate storm and sanitary sewers available to service these lands if required.

Our Roads Department had the following comments and recommendations:

1. The designated road allowance width of Garth Street is 36.58m. In accordance with this designation, the Region previously acquired the required the road allowance widening on Garth Street, adjacent to the subject lands, by Parcel 101 of Instrument No. 188447 C.D. Therefore we do not anticipate any further road allowance widenings at this time.

2. As a condition of zoning approval, we recommend that the site grading adjacent to the Freeway Lands be designed in such a manner that no water from the site may enter the Freeway lands.
3. At present access on Garth Street permits right turns in and right turns out only and it is our intent to maintain these conditions.
4. Comments from the City of Hamilton Traffic Department with respect to the removal of 2 parking spaces and on site maneuvering should be considered.
5. In the absence of any details shown we advise that any works which may occur within the Garth Street road allowance, as widened, must conform to the Region of Hamilton-Wentworth Roads Use By-law.
6. Comments from the City of Hamilton Property Department should be considered since it appears that this site apparently is using City of Hamilton land to gain access to Greendale Drive."

- The Building Department advises:

- "1. An office use is not permitted in a "C" zoning district.
2. When the day nursery was built, the site required a minimum of twenty-one (21) parking spaces and By-Law 75-190 permitted a day nursery for the accommodation of not more than 200 children.
3. A reduction of the parking spaces provided will affect the maximum capacity of the day nursery.
4. Nineteen (19) parking spaces will restrict the day nursery to a maximum of 114 children.
5. Due to the changes the number of children or the number of parking spaces must be a special requirement under the proposed amending by-law.
6. This Department has no comment with regards to an Official Plan amendment."

COMMENTS:

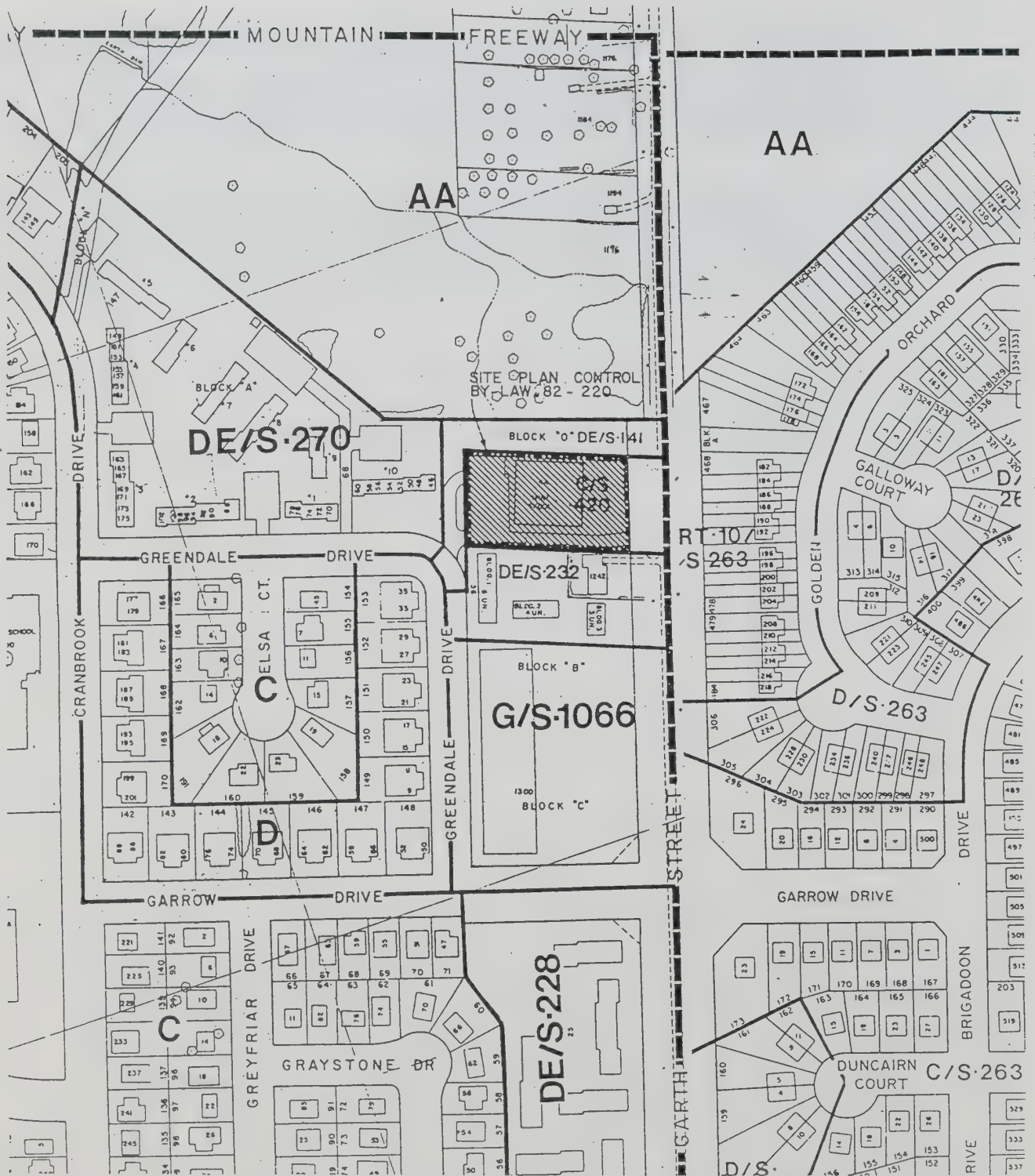
1. The proposal conflicts with the intent of the Official Plan. If approved, an amendment will be required to establish a new Special Policy Area to permit offices in a Residential designation.
2. The proposal conflicts with the approved Gilkson Neighbourhood Plan. Approval of the application will require a note to be added on the approved plan that the "office" exists in conjunction with the "children's day care centre".
3. The proposal has merit and can be supported for the following reasons:
 - the reduction of the maximum number of children accommodated (from 200 to 104) can be supported on the basis that it will be more conducive to the adjacent residential uses;
 - it provides for the consolidation of a number of child care services and the agency administrative offices in one location;
 - it provides for employment opportunities within walking distance of the adjacent residences;
 - the proposed 101.65 m² (1,094.2 feet²) addition will be limited to an administrative office for a child care agency only in conjunction with the existing day nursery; and,
 - the Department of Social Services supports the application.
3. The proposed addition will result in the loss of two parking spaces, thereby reducing the number of parking spaces from twenty-one (21) to nineteen (19). Further, the applicant advises that it was their intention to have up to 104 children enrolled in the centre. Eighteen (18) parking spaces are required (1 space per 6 children lawfully accommodated) for an enrollment of 104 children. No additional parking is required for the proposed offices. Consistent with the Traffic and Building Department's comments, it is appropriate to limit the number of children for the day nursery to 104 since it will also require a minimum number of 18 parking spaces to be provided and maintained on site.
4. The Property Department has advised verbally that the applicant presently obtains access off of Greendale Drive via City-owned lands. They have no objection to the proposed addition since it does not effect these lands.

5. The subject lands were placed under Site Plan Control by By-law No. 75-190 as amended by By-law No. 82-220. In this regard, the proposal has only a minor impact on the approved Site Plan, therefore an amendment to that Plan is not required. On this basis, the proposed addition (see APPENDIX "B") should be exempt from Site Plan Control.
6. The Roads Department has recommended that the site grading adjacent to the Freeway lands be designed in such a manner that no water from the site may enter the Freeway lands. The applicant advises that the existing drainage pattern on the site will not change as a result of the proposed addition and would therefore not impact on the Freeway lands.

CONCLUSION:

Based on the foregoing, the amended application can be supported.

CLF/
94-09



Legend



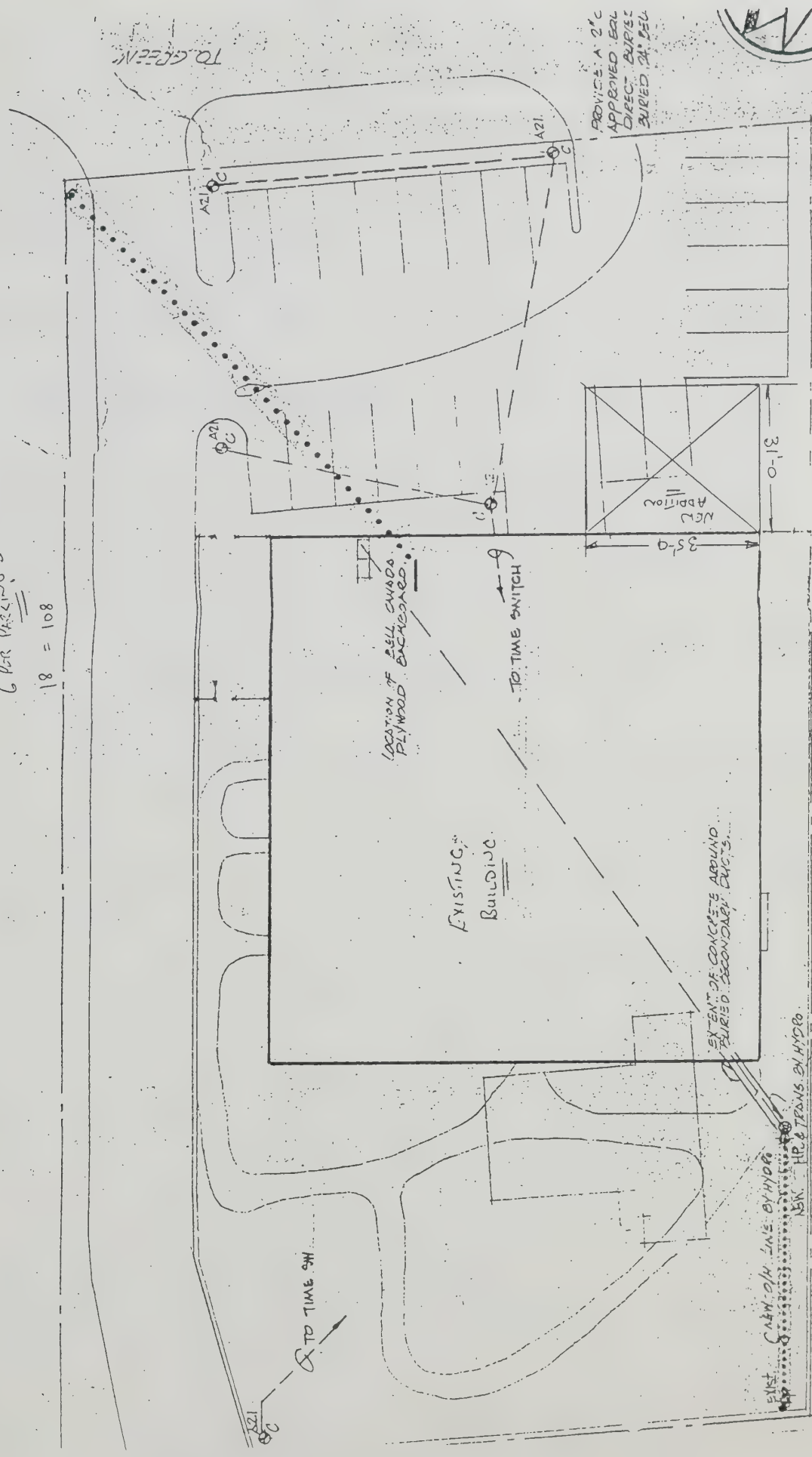
Site of the Application

ZAC-94-09

6/1/94

6 ft. PARKING SPACE.

18 = 108



SITE PLAN
1" = 20' x 20'

SCHEDULE

SCHEDULE

"SOLS"

PROVIDE A 2" C
APPROVED FOR
DIRECT BURIED
BURIED IN PUL



M. Gruener

21 Greendale Drive,
Hamilton, Ontario, L9C 4R5

June 6, 1994

2a

The Corporation of the City
of Hamilton,
71 Main Street West,
Hamilton, Ontario L8N 3T4

JUN 14 1994

Attn: Planning Department

JUN 14 1994

Re: Proposed zoning changes,
File-ZAC-94-09 Seq-00097

As owners of the property located at 21 Greendale Drive we would like to advise, that we are presently unable to support the above mentioned zoning change.

In order to be in favour of such a modification we would like some clarification to the following items:

1. Will there be ample parking space provided on the property of the DAYCARE Centre for their patrons AND EMPLOYEES ?
2. Will the alleyway, which currently allows access from Garth Street to Greendale Drive, still be available and open to the public for local vehicle access ?

Presently, parking on our street is often very congested with various vehicles parked regularly on both sides of the street, such as:

- cars of employees of the DAYCARE Centre;
- old, abandoned vehicles from nearby townhouse complexes;
- yellow "City of Hamilton" maintenance vehicles ;
(regular patrons of Robin's Coffee Shop)
- large and small school buses;
- trucks and vans illegally using rear emergency doors of plaza stores for deliveries;

It should be noted, that the homeowners of Greendale Drive pay high residential property taxes and are becoming increasingly concerned with the parking situation in the street. The construction of another building for the DAYCARE Centre might just cause more parking and traffic problems in the street.

Sincerely,

H. and M. Gruener

2b)
JUN 10 1994

William H. Edwards
Betty Edwards
190 Golden Orchard Drive
HAMILTON, Ontario
L9C 6J7

JUN 11 1994

June 9, 1984

The Corporation of the City of Hamilton
71 Main St. W.
HAMILTON, Ontario
L8N 3T4

ATTENTION: PLANNING AND DEVELOPMENT COMMITTEE

Dear Sirs:

RE: FILE ZAC-94-09 SEQ 00071

Once again we are totally opposed to any changes, additions, modifications by Seven Towers Non Profit Day Care Inc.

This is a residential area and we are opposed to any further building/additions/zoning changes that would further change that.

Traffic on Garth Street is already very heavy, as is traffic noise. Your map of the proposed changes does not include the road that already exists beside the daycare centre. We have been told repeatedly that this is a private drive, there are no signs indicating this and motorists and cyclists constantly and continually utilize it as a public roadway, no efforts or attempts have been made to stop this use. A cyclist was recently killed in an accident while using it as a roadway. We oppose any changes that would increase the traffic volume and noise.

Garbage has been a real problem over the past several years, with stacks of old tires, furniture, and ordinary garbage bags being dumped at the Garth and Garrow plaza. We have brought this to City Hall's attention on numerous occasions and there has been some improvement but it remains an ongoing problem. We feel that any addition and/or business expansions will only increase the problem.

Our backyard is directly across the road from the daycare centre, while traffic noise is heavy the continual screams and yells of the children carry quite clearly across the road and can even be heard in our front gardens. This already detracts from our enjoyment of our home, we dread the thought of what noise would be generated by these additional children and offices. Further, outside of day care hours, older children are often seen and heard on the daycare property playing with the daycare equipment, there appears to be no attempts made to stop or discourage this. We are very concerned that expansion will result in more of this behaviour, possibly including vandalism of the daycare and surrounding (our) property.

JUN 11 1994

Over the last few years we have endured considerable road construction and major construction for the freeway is still to come. We question the placement of any daycare facility beside such a major roadway with an exit located right beside the centre.

There is also a major parking problem in this area, additional offices would result in more cars requiring parking space and no spaces for them.

This is a residential area. That was known when the daycare centre opened. A residential area can accept and even welcome a small daycare centre but to expand would seriously and severely hamper our enjoyment of our home.

We have appeared at previous planning meetings, when Seven Towers applied for rezoning, to oppose their plans. Due to a serious illness in our family we are unable to attend but we hope that the planning committee will once again refuse the zoning modification for all the same reasons it has declined them in the past.

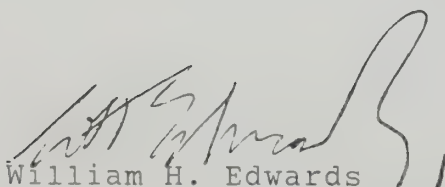
Perhaps it is time for the Seven Towers Daycare to reevaluate and reexamine their future plans. If they feel that an expansion of this type is really warranted, then it is time for them to relocate to an area that is zoned as commercial/business and their centre would then fit into the commercial area without disrupting their neighbours, and neighbourhood.

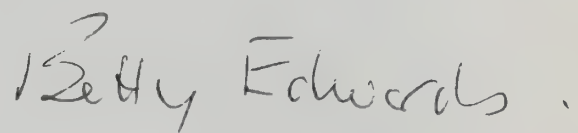
Our final concern is with the trees and other greenery on the property and specifically a very large, very old willow tree. What plans did the daycare facility have for these trees? Did they intend to destroy/kill them as was done to other trees in that area over the last couple of years.

The plaza at Garth and Garrow has stores, restaurants, doctors, dentists, chiropractors, physiotherapists offices and still has some office space available for leasing. However, this area is primarily a residential, family neighbourhood, please keep it that way.

Thank you for your consideration.

Yours truly


William H. Edwards


Betty Edwards

3a

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1994 June 13
CI-93-C

JUN 15 1994

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

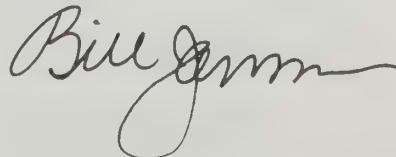

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V. J. Abraham
Director of Local Planning

SUBJECT: Review of Minimum Lighting Requirements for Public Parking Lots.

RECOMMENDATION:

1. That approval be given to City Initiative-93-C, respecting lighting requirements for public parking lots, on the following basis:
 - a) That a lighting plan depicting night time use, including the position, quantity and type of lighting for public parking lots, be included under the Site Plan Control Approval process;
 - b) That the "Recommended Maintained Horizontal Illuminances for Vehicle Use Area (only) in Open Parking Facilities" as set out under the IES Lighting Handbook 1987 (fig. 14-27) or latest version, be adopted as a lighting design guideline for approval of the lighting plan submitted under Site Plan Control; and,
 - c) That the Roads Department be requested to review the lighting plans, through Site Plan Approval Process, for acceptability.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Planning and Development Committee, at its meeting of October 20, 1993, approved an amended recommendation for changes to Zoning By-law No. 6593, respecting landscape requirements for public parking lots. City Council, at its meeting of November 9, 1993 approved Section 3 of the SEVENTEENTH Report of the Planning and Development Committee as amended, and directed staff to draft minimum lighting requirements for safety for privately operated parking lots.

CITY OF HAMILTON POLICY AND REGULATIONS:

- Official Plan

The City of Hamilton Official Plan recognizes the necessity of achieving safety and convenience within public and private parking facilities and states in Subsection C.2:

"2.2 Council will consider appropriate by-laws, encouragement or other actions which may be deemed to have potential in maintaining security to persons or property. In this regard, consideration may be given to such matters as, but not limited to, the following:

- i) Review and/or establishment of **adequate illumination standards** in parking garages, alleyways or other high-risk areas;"

The City of Hamilton Official Plan recognizes the importance of public and private parking facilities and states in Subsection B.3.3:

"3.3.6 Where necessary and feasible, off-street PARKING, driveways and/or loading areas adjacent to Residential Uses will be suitably screened or buffered through the use of fences, berms or other appropriate landscape treatment. All Parking areas will be suitably surfaced to resist degradation from the elements or use and, where deemed appropriate, be **illuminated** to facilitate and ensure the safety and convenience of pedestrian or vehicular access to the land uses served thereby."

The Official Plan provides direction regarding the design and illumination of parking facilities to ensure the safety and convenience of pedestrians. In this regard, actions to improve the safety of parking lots, through design and illumination can be implemented.

- Zoning Regulations

- "G-3" (Public Parking Lots) Districts

All public parking lots are subject to the regulations under Section 13C - "G-3" (Public Parking Lots) District, of Zoning by-law No. 6593. With respect to lighting, Section 13C (4) (v) states:

- "(v) Every lighting facility shall be so designed, installed and maintained as to ensure that the light is deflected away from all lands designated for residential uses, and any lighting of signs shall similarly be so deflected."

- Other Zoning Districts

Section 18A (Parking and Loading Requirements) of the Zoning By-law, under 18A (40) states:

"(40) Every public parking lot shall be subject to the provisions of Section 13C - "G-3" (Public Parking Lots) Districts."

Currently, any By-law regulations that do exist are intended to mitigate the potential negative spill over effects (e.g. lighting) of parking areas/lots only when they abut a "residential district or use".

• Site Plan Control

Parking lots proposed within the "Central Area" (lands bounded by Hamilton Harbour, the Niagara Escarpment, Queen Street and Victoria Avenue) are subject to Site Plan Control, as per By-law 90-285, regardless of their zoning district.

This approval process typically addresses overall site design, surface treatment, and landscape treatment. A requirement of the landscape plan is to show the location of outdoor lights.

• Parking Lot Licensing

The Licencing Division of the City Clerk's Department has advised that all parking lot proprietors require a "Garage D" licence in order to operate a lot and they must renew their licence on a yearly basis. The Licensing By-law only contains provisions respecting physical matters (e.g. lighting, barriers, signage, etc.) for parking lots. Lighting requirements associated with licencing are to ensure that there is no direct glare to persons on the street or adjoining lands.

The application for a "Garage D" licence is only made when a new lot is being established or when there has been a change in ownership noted at the time of renewal.

When a parking lot licence is applied for in a zoning district that permits the use, the applicant is made aware that they are subject to the requirements of Zoning By-Law 6593, Property Standards By-law 74-74, and any other additional requirements (i.e. Site Plan Approval). The licence is then issued following approval by the City of Hamilton Licensing Committee.

Once the licence has been issued, the City Clerks Department relies upon the Building Department for compliance to the Hamilton Zoning By-law regulations for parking lots.

• Building Code

The Building Department has advised that the "Building Code" does not specify minimum illumination requirements for parking lots, and all electrical specifications are covered under the "Electrical Code".

- Property Standards By-law 74-74

The Building Department has advised that under the Property Standards By-law site facilities, such as lighting fixtures and standards, required as a condition of site development or redevelopment must be maintained in a good state of repair [i.e. By-law 74-74, Section 19(6)]. However, it does not specify minimum illumination requirements for parking lots.

INFORMATION OBTAINED FROM OTHER MUNICIPALITIES:

Several cities (e.g. Burlington, Mississauga, Milton, Cambridge, London, Scarborough, Etobicoke, North York, Markham, Richmond Hill, etc.) were surveyed with respect to their lighting requirements for public parking lots (i.e. minimum illumination standards and/or design criteria). The survey concluded that none of the cities had minimum illumination standards for public parking lots within their zoning by-laws. However, most cities indicated that lighting was addressed under a development agreement (i.e. Site Plan Control), and typically only require that lighting be deflected away from adjacent residential districts and/or uses.

The City of Burlington is the only city surveyed that reviews a detailed lighting plan for proposed development subject to "Site Plan Control". Although they have no set minimum lighting requirements, their Engineering Department provides comments with respect to the placement of lighting fixtures/standards, type of lighting used (i.e. High Pressure Sodium) and wattage.

The Safe City Committee of The City of Toronto and the City of Toronto Planning and Development Department in October 1992 produced a guide, titled, "A Working Guide for Planning and Designing Safer Urban Environments". This guide is intended to aid Toronto-area planning and design professionals to integrate personal safety in their work. It provides guidance with respect to factors that enhance safety and security in public spaces, problematic places (i.e. parking garages, surface parking lots), and suggests ways to improve or avoid them.

In regards to lighting, the guide points out that poor lighting is not the main reason most assaults occur at night; rather it is because of other factors such as normal time of socializing, using alcohol, movement to and from work, and scarcity of people. Excerpts from the guide with respect to lighting and surface parking lots have been attached (see APPENDIX 'A').

INFORMATION OBTAINED FROM OTHER SOURCES:

See APPENDIX 'B', excerpt from IES Lighting Handbook, 1987 Application Volume, "Parking Facilities Lighting".

COMMENTS:

The existing regulations associated with the "G-3" (Public Parking Lots) District and Section 18A (Parking and Loading Requirements) of the Zoning By-law are intended to mitigate negative spill-over effects (i.e. lighting) of parking lots only when they adjoin a "residential district or use". No provision is made in the Zoning By-law for minimum lighting standards (i.e. lux, footcandles, uniformity ratio).

Although, the Property Standards By-law does not specify a minimum illumination requirement for public parking lots, it does state that any lighting fixtures that are required under a development agreement (i.e. Site Plan Control) must be maintained in good working order.

There has been no precedence set by other cities to regulate the illumination of parking lots by way of a zoning by-law. Zoning By-laws typically regulate land use, heights of buildings, area requirements, density, and required parking space numbers. This suggests that the Zoning By-law may not be the most appropriate means to achieve the desired objective (i.e. safety).

Lighting will create a sense of personal safety and security within parking lots, thus in principle requiring a minimum standard for lighting has merit. A review of the literature suggests that safety within our urban environments is not just a matter of establishing a minimum standard for lighting, such as 0.4 footcandles for areas used by pedestrians as recommended by the CSA, and 2 footcandles for high use open parking facilities, as per the IES Handbook. Lighting is only one factor that makes a place (i.e. parking lot) seem safer or less safe. A parking lot that is well designed, considering both function and aesthetics, will create an environment that is absent of fear, vibrant, inviting, and considerate of both people and property.

Accordingly, it would be appropriate to require a lighting plan/design, depicting night time use, including the position, quantity and type of lighting, for parking lots to be submitted in addition to the plans and drawings required for Site Plan Approval (i.e. site, grading, and landscape plan); and further, that the "Recommended Maintained Horizontal Illuminances for Parking Facilities" as set out under the IES Lighting Handbook (1987) be adopted as a lighting design guideline for evaluation of such lighting plans.

Furthermore, since lighting design is a very specialized area of expertise, it is recommended that the Electrical/Instrumentation Design Group of the Roads Department review the lighting plans, as part of the Site Plan Approval, for acceptability (i.e. placement of lighting fixtures/standards, type of lighting used, wattage, photometric data or computer print out showing lighting levels, etc.). In this regard, the Roads Department, Design and Construction Section, has reviewed lighting plans for the Hamilton Parking Authority (e.g. City Hall Parking Lot) and has advised that they would be prepared to review the lighting plans submitted.

As previously mentioned, the intent of this City Initiative is to specific lighting requirements for "Open Parking Facilities" (i.e. parking lots). A subsequent report is being prepared to address concerns regarding the safety and lighting of "Covered Parking Facilities" (i.e. underground parking structures) within our urban environment.

CONCLUSION:

Based on the foregoing, the above-mentioned recommendations should be adopted.

jl/JL
CI93C

Factors That Enhance Safety and Security in Public Space
3.1. Awareness of the Environment

LIGHTING 3.1.1

What to look for

1. Minimum standards

If the place is intended to be used at night, does the lighting allow visibility? Are pedestrian pathways, laneways, access routes in outdoor public spaces lit to the minimum standard recommended by the CSA of 0.4 footcandles? This should include laneways and other inset spaces, access and egress routes and signage.

2. Consistency of lighting

Is lighting consistent, in order to reduce contrast between shadows and illuminated areas?

3. Proper placement of lighting

Does street lighting shine on pedestrian pathways and possible entrapment spaces rather than on the road or in people's windows? Does lighting take into account vegetation, including mature trees, and other potential blocks?

4. Improper lighting

Can paths or spaces not intended for night time use remain unlit to avoid giving a false impression of use?

5. Protection of lighting

Are the light fixtures protected from casual vandalism by means such as wired glass or a lantern-style holder?

6. Maintenance

Are lighting fixtures maintained in a clean condition and promptly replaced if burnt out or broken?

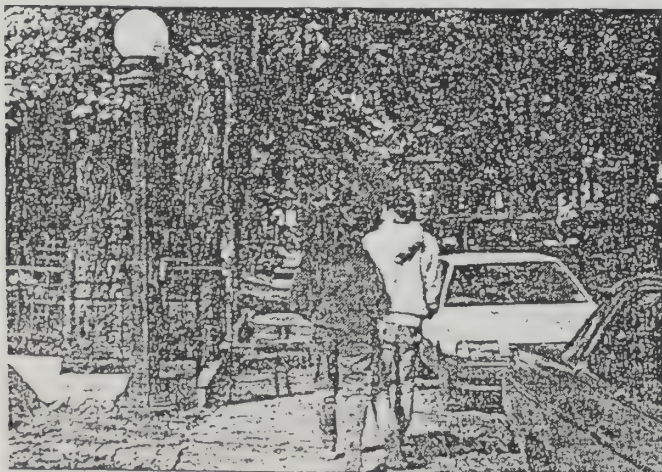
Development agreements should state who is responsible for maintenance of lighting in the form of a public notice indicating who to call in case of burnt-out or vandalized lights.

7. Planning for night time use

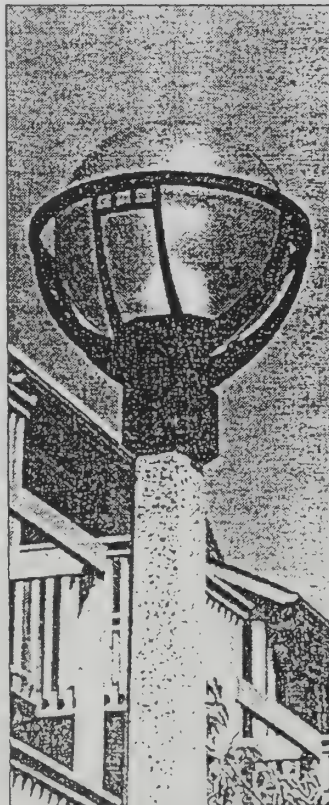
Do architects' drawings or any other material produced by the developer take into account that the space will be used at night?

It is a good idea for architectural drawings to depict night time use, including the position, quantity and type of lighting.

See also: underground parking spaces, parking lots, bicycle routes, surface transit stops, residential streets, parks, laneways, washrooms.



Palmerston Boulevard: good pedestrian-scale lighting on a residential street. (Photo: G. Wekerle)



Cityhome Project, Springhurst and Dowling: good light standard, combining easy maintenance with attractive design. (Photo: V. Pietropaolo)

Problematic Places: Improving or Avoiding Them

4.1. Transportation-linked

4.1.2 SURFACE PARKING LOTS

The Problem

While underground parking garages have received attention from the City of Toronto, surface parking lots have been neglected. Like underground garages, surface lots can be badly designed, poorly lit, and isolated.

Surface parking lots range from small 3 or 4 space lots behind, in front or adjacent to buildings, to very large lots (200 spaces) found around shopping malls. Where lots are larger than 50 car-spaces, additional precautions are necessary and can be made financially feasible through parking rental.

What to look for

1. Lighting

Is lighting adequate to see the inside of a car's back seat before entering the car? Is lighting consistent, avoiding shadows?

2. Sightlines

Are sightlines within and to the lots maximized, through the elimination of dense bush or tree landscaping, solid fences or advertisements which block the view, and unnecessary buildings or sheds?

Sightlines should especially be maximized from the entrance to a lot and from the parking attendant's booth, if there is one.

3. Entry/exit

If there is an attendant, is there a single entry/exit to allow supervision of vehicles?

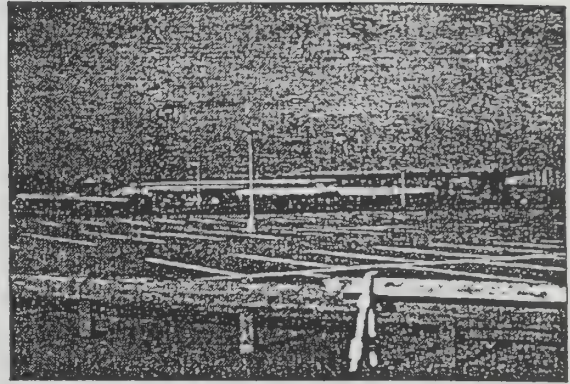
4. Attendants

Are attendants trained to know how to respond in an emergency? Are they periodically supervised and audited?

5. Avoiding entrapment

If there is no attendant, are there several well-lit, clearly marked entrances, in order to avoid the lot acting as an entrapment spot?

Parking lots in front of convenience stores should be discouraged. While marginally safer and more convenient for the car-user, these parking lots weaken the link between building and street, and are a traffic safety hazard as well. In entry-ways off commercial streets, wrought iron fencing or low-growth, low maintenance bushes are preferable to other barriers, since some bushes require a high level of maintenance in order to



Wilson Station parking lot. (Photo: G. Wekerle)

avoid growing too high for adequate sightlines or developing gaps that could be used as a hiding spot.

6. Informal surveillance

Is informal surveillance of surface lots or parking for residences encouraged through placement of windows in new buildings so that they overlook the lot, and placement of new lots so that they can be overlooked by stores and residences?

7. Formal surveillance and hardware

In larger lots, are there regular patrols by trained staff? Are there emergency telephones throughout the lots with accompanying raised illuminated international telephone signs? Is there some other way to summon help promptly?

8. Signage

Are there location identification signs in larger lots so that passengers can more easily relocate their cars?

9. Designated spaces or escorts

In office building lots, is there provision for an escort service or for reserved spots close to the building entrance for people who regularly work late? Are priority parking spots for people with disabilities located near the parking attendant when there is one, and near an exit to the street or an accessible elevator when there is no attendant?

See also: lighting, sightlines, entrapment spots, isolation, signage.

PARKING FACILITIES LIGHTING⁸

Objectives. Parking facility lighting is vital in today's motorized society for traffic safety; for protection against assault, theft and vandalism; for convenience and comfort to the user; and in many instances, for business attraction.

Types of Facilities. For lighting purposes, parking facilities can be classified as either "open" or "covered". Most parking facilities will be either one type or the other, but, in a multilevel parking structure, the roof level would be considered open while the lower levels would be considered covered.

Open Parking Facilities. The illumination requirements of an open parking facility depend

on the amount of usage the facility receives. Three levels of activity have been established and are designated as *High*, *Medium* and *Low*. These levels reflect both traffic and pedestrian activity and are illustrated by, but not limited to, the following examples:

High Activity:

- Major league athletic events
- Major cultural or civic events
- Regional shopping centers
- Fast food facilities

Medium Activity:

- Community shopping centers
- Office parks
- Hospital parking areas
- Transportation parking (airports, commuter lots, etc.)
- Cultural, civic or recreational events
- Residential complex parking

Low Activity:

- Neighborhood shopping
- Industrial employee parking
- Educational facility parking
- Church parking

If the level of nighttime activity involves a large number of vehicles, then the examples above for Low and Medium properly belong in the next higher level of activity.

Covered Parking Facilities. Four critical areas can be identified within covered parking

facilities: general parking and pedestrian areas; ramps and corners; entrance areas; and stairways. These critical areas can require lighting both day and night. The first of these areas is considered to be the same as for an open parking facility. The second area is self-explanatory. The third area (entrance) is defined as the entry way into the covered portion of the parking structure from the portal to a point 15 meters (50 feet) beyond the edge of covering on the structure. The fourth area again is self-explanatory.

Illuminance Recommendations. Recommendations have been established for both open parking facilities (outdoor) and for covered parking facilities (structures) as shown in Fig. 14-27. These recommendations are given to provide for the safe movement of traffic, for satisfactory vision for pedestrians and for the guidance of both vehicles and pedestrians. These levels are the lowest acceptable levels, consistent with the seeing task involved and the need to deter vandalism while at the same time meeting energy constraints. Customer convenience, closed circuit television surveillance and/or customer attraction may require a higher level of lighting in some circumstances.

In open parking facilities, a "general parking and pedestrian area" is defined as one where pedestrian conflicts with vehicles are likely to occur. A "vehicular use area (only)" is defined

Fig. 14-27. Recommended Maintained Horizontal Illuminances for Parking Facilities

(a) Open Parking Facilities

Level of Activity	General Parking and Pedestrian Area			Vehicle Use Area (only)		
	Lux (Minimum on Pavement)	Footcandles (Minimum on Pavement)	Uniformity Ratio (Average:Minimum)	Lux (Average on Pavement)	Footcandles (Average on Pavement)	Uniformity Ratio (Average:Minimum)
High	10	0.9	4:1	22	2	3:1
Medium	6	0.6	4:1	11	1	3:1
Low*	2	0.2	4:1	5	0.5	4:1

(b) Covered Parking Facilities

Areas	Day		Night		Uniformity Ratio' (Average:Minimum)
	Lux (Average on Pavement)†	Footcandles (Average on Pavement)†	Lux (Average on Pavement)	Footcandles (Average on Pavement)	
General parking and Pedestrian areas	54	5	54	5	4:1
Ramps and corners	110	10	54	5	4:1
Entrance areas	540	50	54	5	4:1

Range of Illuminances

Stairways‡	Lux	Footcandles
	100-150-200	10-15-20

* This recommendation is based on the requirement to maintain security at any time in areas where there is a low level of nighttime activity.

† Sum of electric lighting and daylight.

‡ See Fig. 2-1.

as one where conflicts with pedestrians are not likely to occur. These are areas such as service areas or access roads.

It should be noted that, whereas Fig. 14-27 specifies average levels for the vehicular area in open parking facilities and for covered parking facilities, minimum levels have been specified for the pedestrian area of open parking facilities. The reason for this is that an absolute minimum value of lighting is considered necessary for the identification of features or pedestrian safety, which should not be exceeded on the low side at any point.

Special Considerations. Lighting of access roads to all types of parking facilities should match the local highway lighting, insofar as possible. The average maintained illuminance should be compatible with local conditions. The average-to-minimum uniformity ratio should not exceed 3 to 1.

In all parking facilities, consideration should be given to color rendition, uniformity of lighting and minimizing glare. Individuals sometimes have trouble identifying their cars under light sources with poor color rendering characteristics. Uniformities less than recommended can detract from safety and security. Glare can affect the ability to perceive objects or obstructions clearly.

In many parking facilities, closed-circuit television is deemed necessary. When the camera tube is specified, the lighting level, the type of light source, the distribution pattern of luminaires and the aiming of the camera must be considered in order to ensure effective results.

From the standpoint of energy management, it may be desirable to reduce the lighting levels in certain parking facilities during periods of reduced activity. For example, during peak use, the "high" activity lighting levels may be adequate. During inactive periods only security lighting will be required.

Special Considerations for Open Facilities. In open parking facilities, exits, entrances, loading zones, pedestrian crossings, and collector lanes should be given special consideration to permit ready identification and to enhance safety.

Lighting for outdoor pedestrian stairways may require a luminaire on every landing with additional units in between if required for safety. It may be necessary to call attention to changes in elevation where one or more steps is involved. For lighting for outdoor pedestrian walkways, see page 14-16.

Parking facilities for rest or scenic areas adjacent to roadways generally employ lower illuminances. See page 14-25 on safety rest areas.

Support poles should be located so as not to be damaged by automobiles being parked. Overhang of the average automobile is approximately 0.5 to 1.0 meters (1.5 to 3.3 feet) in front, and 1.5 meters (4.9 feet) in the rear.

Vandalism is an important consideration with open parking facilities. Damage can generally be reduced by mounting luminaires at least 3 meters (10 feet) above grade. However, greater mounting heights are recommended.

Special Consideration for Covered Facilities. In covered parking facilities, vertical illuminances of objects such as columns and walls should be equal to the horizontal values given in Fig. 14-27. These vertical values should be for a location 1.8 meters (6 feet) above the pavement.

In covered parking facilities the design should be arranged so that some lighting can be left on for security reasons. The low level from Fig. 14-27 for open parking facilities can be used for this purpose.

In covered parking facilities, emergency lighting units should be located strategically so as to provide a minimum lighting level in case of an interruption to the normal power supply. In general, these units should provide approximately ten percent of the levels in Fig. 14-27, or applicable local code requirements.

36)

CITY OF HAMILTON

- RECOMMENDATION -

JUN 15 1994

DATE: 1994 June 14
Beasley Neighbourhood
DA-92-13 (ZA-91-50)

REPORT TO: Tina Agnello, Secretary
of the Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

V. J. Abraham
Director of Local Planning


SUBJECT: Site Plan Control Application DA-92-13 to establish a parking
lot at 95 Mary Street.

RECOMMENDATION:

That approval be given to amend the plans of Site Plan Control Application DA-92-13 by Ritlyn Investments, owner of the lands at 95 Mary Street to establish a parking lot in conjunction with a Boulevard Parking Agreement, subject to the following:

- a) modification to the plans related to dimensions, landscaping, notes and fencing as marked in red on the plans;
- b) modifications to the plans to require paving of the parking and manoeuvring areas as required by Section 18(A)(30) of By-Law 6593; and,

- c) incorporation of the approved plans in a Site Plan Control Agreement, to be registered on title of the land as required as a condition of approval of Zoning Application ZA-91-50.



Vladimir Motin
For Victor ABRHAM

BACKGROUND:

On August 4, 1992 the attached appendix "A" showing 8 parking spaces on the subject lands and abutting portion of the road allowance of Wilson Street was approved with various conditions.

In preparing details for its construction, the applicant has requested certain modifications to the layout and plantings proposed. The modifications provide for a revised parking layout as shown on appendix "B", a 1.5m wide landscape strip parallel to Wilson Street, and revised plantings along the street and within the property. It is also proposed that the parking and manoeuvring area be gravel surfaced.

COMMENTS RECEIVED:

The Building Department has advised the following:

- "1) An Encroachment Agreement and/or Boulevard Parking Agreement is required as nine (9) of the ten(10) cars are on city property with three (3) of these nine (9) entirely on city property.
- 2) The east and south planting strips are completely on city property.

- 3) Cars 2 and 3 cannot manoeuvre out because car 1 is blocking them.
- 4) Car 4 does not have sufficient manoeuvring space to back up (5m long, 16.4").
- 5) Car 10 will manoeuvre over the planting strip.
- 6) The lot is not paved and does not have a catch basin.
- 7) This is a "D" zone and does not permit parking lots.
- 8) A 4' to 6'6" high visual barrier fence is required on the north and west lot lines of the lot."

The Traffic Department in their attached comments has indicated that "we still recommend adherence to the by-law requirements in order to minimize user frustrations, we have reviewed the specific request, and given that this lot is to be used solely for employee parking, we are prepared to accept this request". Other comments relate to curbing and a required commercial boulevard parking agreement and a Driveway Approach Approval.

The Roads Department has verbally indicated that the grading of the parking lot must not adversely impact the adjacent properties. The revised layout should have a grading plan to be stamped by a professional engineer.

The Central/Beasley PRIDE H.INT., Citizen's Advisory Committee has advised that at its meeting of 1994 April 12, the Citizen's Advisory Committee objected to the revised plans. The revised plans substantially reduces the amount of green landscaping which was included in the Plan originally approved.

COMMENTS:

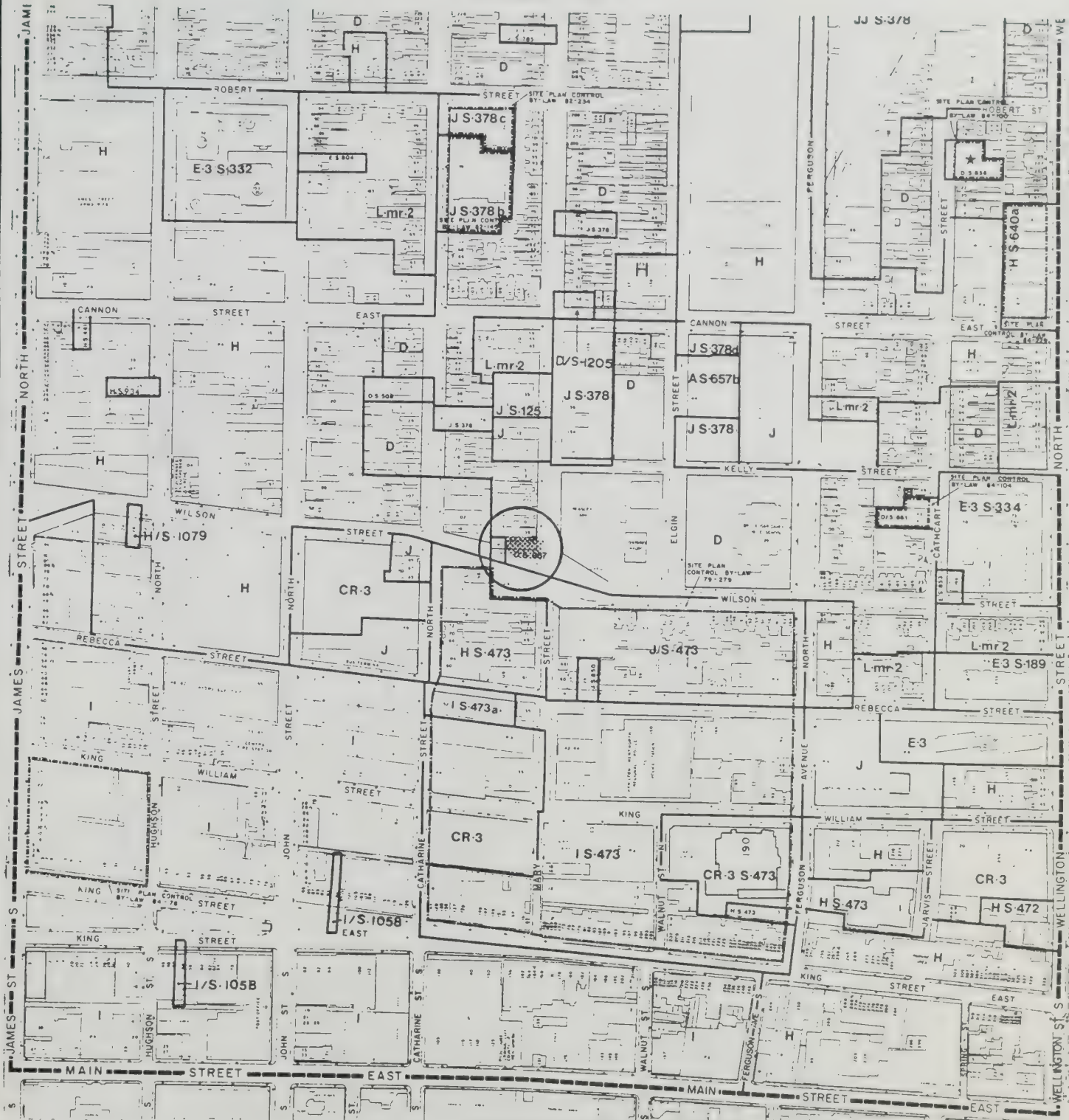
The submitted plan provides for a 1.5m wide landscape planting strip along Wilson Street to accommodate the proposed two trees as originally approved. Although the previously approved irregular planting areas would provide greater soil area for the tree growth, the proposed 1.5m wide landscape strip is acceptable. The proposed plant materials along the northerly and westerly property lines have been revised to provide for eight dogwood shrubs as marked in red on the plans.

The applicant has proposed a revised parking layout to accommodate 10 cars as shown on the plan and to allow additional stacked parking. The various departments have indicated that some of these spaces do not have adequate manoeuvring area or would be blocked by other vehicles. In essence approximately seven vehicles could be parked without interference and any additional would be considered stacked. Since the spaces are not considered "required" for by-law purposes and used for employee parking only, the proposed layout is acceptable.

The applicant has also requested that gravel be permitted to be used for surface treatment of the parking lot. This request cannot be supported since it is intent of the By-law that parking lots be provided with a "permanent durable and dustless surface". Should the gravel surface be acceptable to the Planning and Development Committee, the draft by-law for the subject property should be modified accordingly.

As required as a condition of approval of the Zoning Application, the approved Site Plan Control plans must be registered on title of the land together with a Boulevard Parking Agreement before the by-law can proceed to Council.

BEASLEY No 10



City of Hamilton
Plan Showing
Lands Subject to

Site Plan Control
Application DA-92-13

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Site of the Application

North



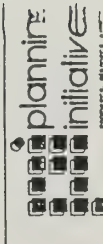
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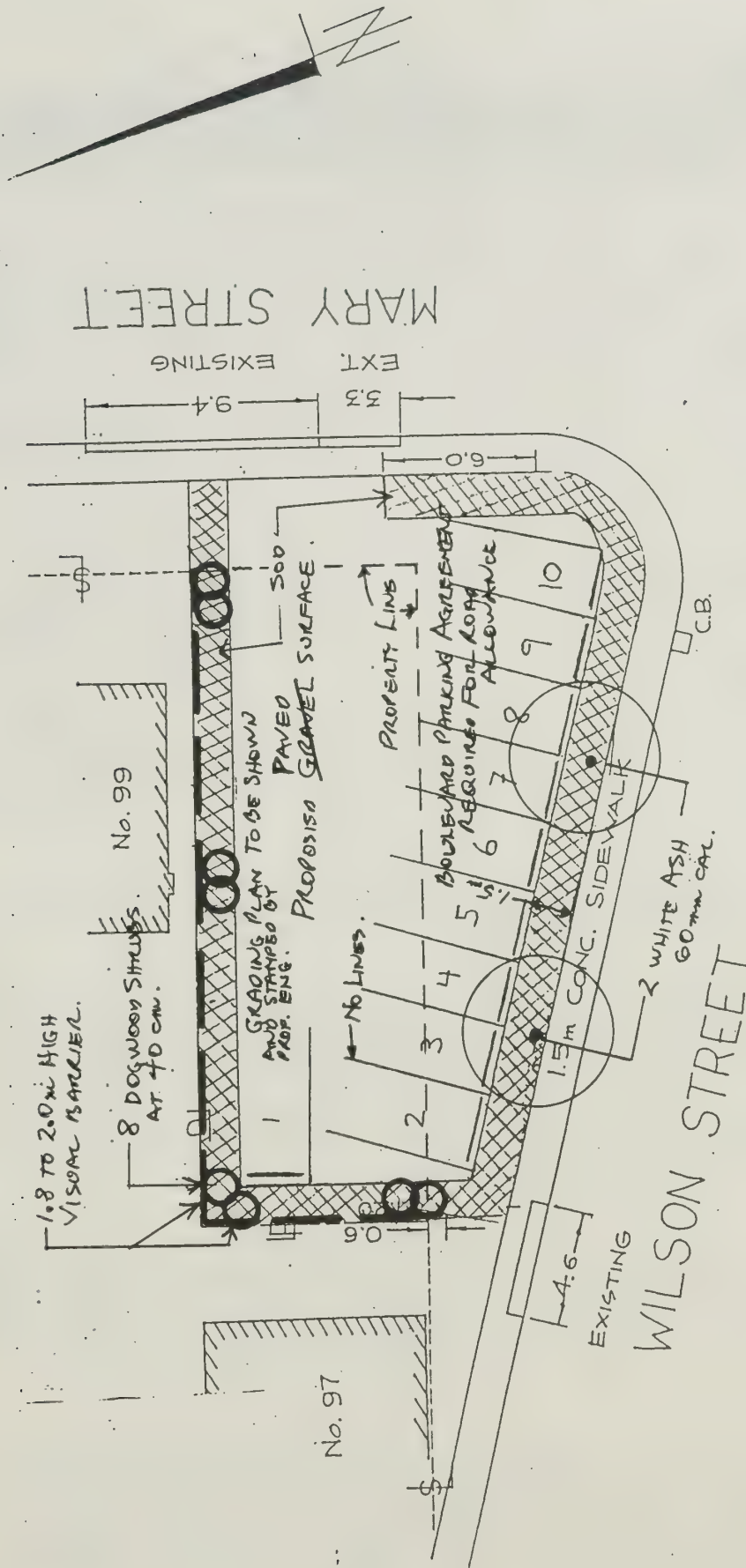
Date
MARCH, 1992

Reference File No.
DA-92-13

Drawn By
P.B.

APPROVED PLAN OF
AUGUST 4, 1992.





NOTE: METRIC DIMENSIONS

No. 95 MARY STREET

REQUIRED PRECAST CONCRETE CURBS

AREA FOR PARKING OR LOADING
(MUST BE HARD-SURFACED) - GRAVEL.

LANDSCAPED AREA

SCALE: 1:200 DIMENSIONS IN METERS

NOTE: PRECAST CONCRETE CURBS ARE TO BE SECURED BY STEEL PEGS. IT IS THE OWNER'S RESPONSIBILITY TO CONTACT "BUD" (BEFORE YOU DIG) AT 527-7977, FOR LOCATION OF UNDERGROUND SERVICES, BEFORE INSTALLING PRECAST CONCRETE CURBS AND STEEL PEGS WITHIN THE ROAD ALLOWANCE.

THIS IS NOT A PLAN OF SURVEY



71 Main Street West, Hamilton, Ontario, L8N 3T4
Tel. (905) 546-4510 / Fax (905) 546-2419

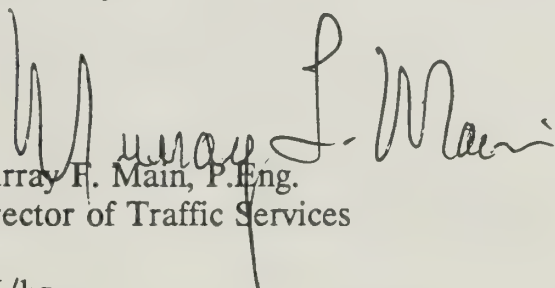
The applicant should be advised that curbing will be required to prevent crossing of the landscaped areas and that the Commercial Boulevard Parking Agreement is in effect at the pleasure of Regional Council. Should the stacking of vehicles on the lot generate any complaint or result in a disruption of traffic flow along the adjacent roadways, the agreement could be cancelled.

PLANNING & DEVELOPMENT LOCAL PLANNING BRANCH			
File No.		MAR 21 1994	
TO	STAFF INTR.	INFO.	ACT.
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✓ B. A.			
✓ C. R.			
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With regard to the surface of this parking lot, it is our understanding that the Zoning By-law requires the surface of the lot to be paved. If this is the case, we would recommend that the boulevard portion of this project be treated in a similar fashion. We also understand that section 13C requires an average 2m landscaped area as opposed to the 1.5m proposed.

Should you require any additional information, please contact Mr. Roland Karl at 546-4583.

Yours truly,

A handwritten signature in black ink, appearing to read "Murray F. Main". The signature is fluid and cursive, with the first name "Murray" and last name "Main" clearly distinguishable.

Murray F. Main, P.Eng.
Director of Traffic Services

RK/kg

c.c. Chris van Berkel, Legislative Co-ordinator

3c)

CITY OF HAMILTON
- RECOMMENDATION -

JUN 15 1994

DATE: 1994 June 8
ZAC-94-03
Corktown Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

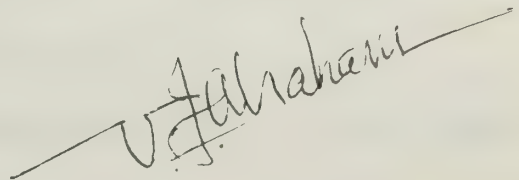
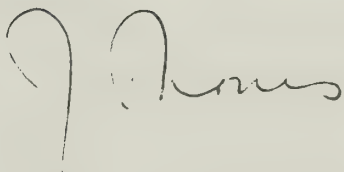
Mr. V. J. Abraham
Director of Local Planning

SUBJECT: Request for a further modification in zoning - No. 180
Walnut Street South

SECOND REPORT

RECOMMENDATION:

1. That amended Zoning Application ZAC-94-03, Ivo Civitarese et al, owner, requesting an amendment to the Official Plan to establish a new Special Policy Area and a further modification to the established "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations to permit a restaurant within the existing building, for property located at 180 Walnut Street South, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reason:
 - a) The proposal would be incompatible with surrounding residential uses given the potential for spillover effects (e.g. noise, parking, litter, etc.).



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant is requesting a further modification to the established "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District to permit a restaurant within the existing building.

The Planning and Development Committee, at their meeting of April 20, 1994, agreed to TABLE the application "so that an amended use can be brought back to the Committee." (see APPENDIX "B" attached). Subsequently, planning staff met with the applicants who advised that they wished the application to proceed on the basis of their original proposal for a restaurant.

- Zoning By-law No. 76-312

City Council, on November 30, 1976, passed By-law No. 76-312 which rezoned the subject lands from "E-3" (High Density Multiple Dwellings) District to "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified to allow the conversion of the existing building for commercial office use only.

APPLICANT:

Ivo Civitarese et al, owner.

LOT SIZE AND AREA:

The subject lands have:

- a frontage of 10.06 m (33 feet) on Walnut Street South;
- a frontage of 18.66 m (61.22 feet) on Forest Avenue; and,
- a lot area of approximately 188 m² (2,023.68 feet²).

LAND USE AND ZONING:

	<u>Existing Land Uses</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Office Use	"E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District modified
<u>Surrounding Lands</u>		
to the north	Single-Family Dwellings	"E-3" (High Density Multiple Dwellings) District

to the east	Row Housing	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District
to the south	Single-Family Dwelling, Office	"E-3" (High Density Multiple Dwellings) District
to the west	Single-Family Dwellings	"E-3" (High Density Multiple Dwellings) District

OFFICIAL PLAN:

The subject lands are designated **Residential** on Schedule 'A' - Land Use Concept of the Official Plan. The following policies, amongst others apply:

- "A.2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:
- iv) Limited individual or groups of commercial uses on sites not exceeding .4 hectare in area, excluding Automobile Service Stations, in accordance with the Local Commercial Uses and General Provisions set out in Subsection A.2.2 of this Plan.
- A.2.2.25 The LOCAL COMMERCIAL category applies to groups of, or individual commercial establishments and local business and professional offices serving the daily retail needs of surrounding residents, and primarily dependent upon pedestrian access.
- A.2.2.26 The maximum site areas of any LOCAL COMMERCIAL development will not exceed .4 hectare in keeping with the intention that LOCAL COMMERCIAL facilities are to serve local Residential areas only with convenience goods and personal services.
- A.2.2.35 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:
- i) Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;

- ii) Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Uses; and,
- iii) Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses.

A.2.2.36 The size of advertising, identification or other promotional signs and devices will be regulated by appropriate by-laws in order to avoid conflicts with effective traffic control and the general amenity of the area.

A.2.2.39 No parking facility serving a COMMERCIAL USE or group of uses will be permitted beyond a COMMERCIAL designation, nor will vehicular access to said COMMERCIAL USES be permitted over Residentially designated lands."

The proposal conflicts with the intent of the Official Plan. Approval of the application will require an amendment to the Official Plan to create a new Special Policy Area to provide for the proposed use.

NEIGHBOURHOOD PLAN:

The subject lands are designated "High Density Apartments" in the approved Corktown Neighbourhood Plan. Approval of the application will necessitate a redesignation to "Commercial & Apartments".

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority advises they have no objection to the proposal.
- The Building Department advises:
 - "1. A restaurant is not permitted in a "E-1" District."
 2. A restaurant with a seating capacity of seventy (70) persons, requires six parking spaces.
 3. The area of the building does not require a loading space.
 4. The actual depth of the rear yard is insufficient to provide a 3.0m wide loading space."

- The Traffic Department advises:

"The proposed zoning and corresponding amendment to the Official Plan for 180 Walnut Street is satisfactory. The applicant has included a preliminary plan that indicates two potential boulevard parking spaces on Forest Avenue. Any reference to these parking spaces should be deleted from the zoning application and any future development application. If the applicant wishes to pursue leasing boulevard parking spaces, he should contact Mr. Chris van Berkel at 546-2068."

- The Roads Department advises:

"Our Environmental Services Department advises that there are public watermain and combined storm and sanitary sewers available to service these lands and they have no objection to the proposed amendment."

Our Roads Department has the following comments and recommendations:

According to our records, the existing road allowance width of Walnut Street South and Forest Avenue, adjacent to the subject lands, is 20.12m. Therefore, we do not anticipate any further road allowance widenings at this time.

According to our records, there is an existing landscape agreement between the owner and the City of Hamilton registered as Instrument No. 186104CD on May 14, 1981. According to the survey plan submitted by the applicant, the existing building encroaches into the Forest Avenue road allowance and the stone porch encroaches into the Walnut Street South road allowance. It appears that these encroachments were not included in the Landscape Agreement.

We therefore recommend that as a condition of approval that the applicant/owner enter into an encroachment agreement with the City of Hamilton for these structural encroachments. Alternatively, the applicant may wish to amend the existing agreements to include these structural encroachments. The applicant should contact Mr. J. Clairmont of this office at 546-4279 to determine the best way to deal with this matter.

We recommend that, if possible, the closed board fence at the west property line be recessed 3m from the Forest Avenue road allowance to maximize motorist visibility entering the Forest Avenue road allowance from the proposed loading area. The gate in front of the loading area is not permitted to swing out onto the road allowance.

The boulevard parking within the Forest Avenue road allowance, as shown on the site plan, is not considered part of this application and arrangements must be made with the Traffic Department to permit this use.

Comments from the City of Hamilton Traffic Department with respect to access, loading, maneuvering, boulevard parking etc. should be considered.

We have reviewed this application on the basis that there will be no external changes to the existing building at No. 180 Walnut Street South and that this application does not include lands at 135 Forest Avenue.

Any other works which may occur within the Walnut Street South road allowance or the Forest Avenue road allowance must conform to the City of Hamilton Streets By-law."

- The Heritage Planning Staff for LACAC advises:

"180 Walnut Street South is listed on the **Inventory of Buildings of Architectural and/or Historical Interest**.

Adaptive re-use of the building is encouraged, provided that the heritage character of the exterior is retained.

For your information, the McLaren Mission building, affiliated with the Church of the Ascension at Forest and John Streets, was originally constructed on another site. The first entry found in the assessment rolls is 1880, at Wellington and Maria (now Forest) Streets.

The site was appropriated in 1897 by the Canadian Pacific Railway for freight sheds and the Mission was taken apart and re-erected, stone by stone, at its present location."

COMMENTS:

1. The proposal conflicts with the intent of the Official Plan. Approval of the application will necessitate an amendment to establish a new Special Policy Area to provide for the proposed use.
2. The proposal conflicts with the intent of the approved Corktown Neighbourhood Plan. Approval of the application will necessitate an amendment to redesignate the subject lands to "Commercial & Apartments".
3. The following is a summary of the positive and negative aspects of the proposal:

- Positive

It would provide for an adaptive re-use of a listed building of Architectural and/or Historical Interest.

- Negative

The proposed restaurant use would be incompatible with existing residential development in the surrounding area. In this regard, potential spill-over effects (e.g. odour, noise) may negatively impact on surrounding residential uses.

There is no provision for required parking (i.e. 6 spaces). Accordingly, patrons would be forced to park in the residential areas which is undesirable.

Although the Department supports the opportunity to preserve the existing heritage building, it is felt the proposed restaurant is inappropriate. Under the Zoning By-law there is no classification system for restaurants. Accordingly, the potential exists for the establishment of a high traffic generator (e.g. sports bar, tavern, etc.).

However, consideration could be given to an amended application to permit limited commercial conversion, in addition to the permitted office use, to more compatible uses such as those contemplated by the McNab-Charles Heritage District Plan (e.g. art galleries, bookstores).

CONCLUSION:

On the basis of the foregoing, the amended application cannot be supported.

CLF/
ZAC9403

PLANNING AND DEVELOPMENT COMMITTEE MEETING
WEDNESDAY APRIL 20, 1994

2. Amendment to the Official Plan and Amended Zoning Application 94-03, Ivo Civitarese Et Al, owner, for a further modification to the established "E-1" District regulations, for property located at No. 180 Walnut Street South; Corktown Neighbourhood.

A submission was received from Gail Thompson, 155 Charlton Avenue East, Apartment 801.

Paul Mallard advised that the proposed use is incompatible with existing development and that there is no provision for on-site street parking. The Planning Department supports preserving the building but not for restaurant use. He stated that the Planning Department is willing to entertain an amended application for office, art gallery or bookstore use. Of 1,099 notices circulated, 20 replied in favour and 78 were opposed. Forty-one of the 78 who were opposed were submitted by an agent at 150 Charlton Avenue.

Mr. Nick Defilipis, agent, was present on behalf of the applicant. He stated that there is no intention for altering the exterior of the building, and that the restaurant will be family style and will cater to the surrounding neighbourhood. He estimate'd that within 1,000 feet of the building there are 2,000-3,000 households. The restaurant will have a capacity of approximately 40-50 people and will be maintained so that it will not be disruptive to the neighbourhood.

Colin Eddy, 142 Forest Avenue, was present. He was very concerned that lack of parking is a problem. He stated that this will be aggravated if a restaurant is present.

Following brief discussion, the Committee moved to table the application so that an amended use can be brought back to the Committee. Paul Mallard added that the application will be re-circularized since there will be a proposed change in use.

3d)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 June 14
Falkirk East Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V. J. Abraham
Director of Local Planning

JUN 15 1994

SUBJECT: (1) Proposed Official Plan Amendment Application;

(2) Proposed Re-zoning Application; and,
(Hamilton ZAC-93-39)

(3) Proposed Draft Plan of Subdivision.
(Regional File 25T-93013)

RECOMMENDATION:

(1) Official Plan Amendment

That approval be given to Official Plan Amendment No. to redesignate a 2.6 acre parcel of land from "Residential" to "Commercial" (Blocks "2" and "3"), and the City Solicitor be directed to prepare a By-law of Adoption for submission to Regional Municipality of Hamilton-Wentworth.

(2) Zoning Application

That approval be given to amended Zoning Application 93-39, Mr. Jerry Amatangelo (Intrust), owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for Block "1"; to "G-4" (Designed Neighbourhood Shopping Area) District, modified for Blocks "2" and "3" for lands located at the north-west corner of Garth Street and Rymal Road West, shown as Blocks "1", "2", and "3" on the attached map marked as APPENDIX "A", on the following basis:

- a) That Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- b) That Blocks "2" and "3" be rezoned from "AA" (Agricultural) District to "G-4" (Designed Neighbourhood Shopping Area) District;

- c) That the "G-4" (Designed Neighbourhood Shopping Area) District regulations as contained in Section 13D of Zoning By-law No. 6593, applicable to the subject property be modified to include the following variances as special requirements:
- i) That notwithstanding Section 13D.(1) of Zoning By-law No. 6593, only the following commercial uses shall be permitted on Block "2" of the subject lands:
 - 1. Medical Office;
 - 2. Medical Laboratory;
 - 3. Pharmacy;
 - 4. Physiotherapy Office;
 - 5. X-ray Office;
 - ii) That notwithstanding Section 13D.(3) of Zoning By-law No. 6593, no building or structure on Block "2" shall exceed 2.5 storeys (11.0 m) in height;
 - iii) That notwithstanding Section 13D.(5) of Zoning By-law No. 6593, the lot area shall not exceed 10,548.0 m²;
 - iv) That a minimum 6.0 m planting strip, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the entire northerly lot line of Blocks "2" and "3", and westerly lot line of Block "2";
 - v) That a minimum 3.0 m planting strip shall be provided and maintained along the entire southerly lot line of Blocks "2" and "3", and easterly lot line of Block "3", except for the area used for access driveways.
- d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-27D be notated S- ;
- e) That the City Solicitor be directed to prepare a By-law to amend By-law No. 6593 and Zoning District Map W-27D for presentation to City Council;
- f) That the proposed changes in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth; and,

- g) That the Falkirk East Neighbourhood Plan be amended to: redesignate Block "2" from "SINGLE AND DOUBLE RESIDENTIAL" to "COMMERCIAL"; modify the road pattern as per the submitted plan (APPENDIX "B"), realign the 20 ft. planting strip to abut the proposed residential development, and provide a walkway and sewer easement between Lynnette Court and Garth Street.

EXPLANATORY NOTE:

The purpose of the by-law is to provide for a change in zoning for lands located at the north-west corner of Garth Street and Rymal Road West, shown on the attached map, on the following basis:

Block "1" - Change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,

Blocks "2" - Change in zoning from "AA" (Agricultural) District to "G-4" (Designed and "3" Neighbourhood Shopping Area) District, modified.

The effect of the By-law is to permit development for single-family dwellings (Block "1"), medical offices and related uses (Block "2"), and neighbourhood commercial uses (Block "3").

In addition, the By-law provides for the following variances as special requirements:

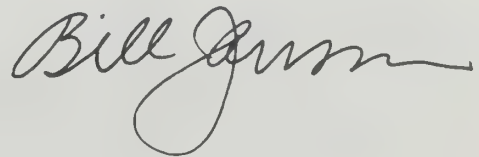
- Restricts Block "2" to the following commercial uses:
 1. Medical Office;
 2. Medical Laboratory;
 3. Pharmacy;
 4. Physiotherapy Office;
 5. X-ray Office;
- Permits buildings or structures on Block "2" to a maximum of 2.5 storeys (11.0 m) height, whereas 2 storeys (9.0 m) is permitted;
- Permits a lot area of 10,548.0 m², whereas a maximum lot area of 4000 m² is permitted.
- Requires a minimum 6.0 m planting strip, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height along the entire northerly lot line of Blocks "2" and "3", and westerly lot line of Block "2"; and,
- Requires a minimum 3.0 m planting strip along the entire southerly lot line of Blocks "2" and "3", and easterly lot line of Block "3", except for the area used for access driveways.

(3) Subdivision Application

- a) That approval be given to application 25T-93013, J. Amatangelo (In trust), owner, to establish a draft plan of subdivision, on lands at the north west corner of Garth Street at Rymal Road West in the Falkirk East Neighbourhood, subject to the following conditions:

- i) That this approval apply to the plan, as revised in red, prepared by Bryan Jacobs, O.L.S., dated October 12, 1993, showing 19 lots for single family dwellings and a block for commercial purposes.
- ii) That the owner be required to enter into subdivision agreements with both the City of Hamilton and the Region of Hamilton-Wentworth prior to the development of any portion of these lands.
- iii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
- iv) That the final plan conform with the Zoning By-law approved under the Planning Act.
- v) That the owner provide the City of Hamilton Traffic Department with a copy of the final plan for review to ensure that no overlapping of driveways between the property lines and the travelled portion of the roadway are being created.
- vi) That the owner convey an easement to meet the requirements of the Region, in the vicinity of Lots 18 and 19 in order to provide a sewer connection between Lynnette Court and Garth Street.
- vii) That the owner's Consulting Engineer provide proof to the satisfaction of the Region that the existing storm and sanitary sewers on Garth Street are of adequate depth and capacity to drain Lots 8 to 19 (inclusive) and the future lots along the north side of Lynnette Court.
- viii) That Block 20 (Commercial Lands) be serviced from the existing sewers on Rymal Road West only.
- ix) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan.
- x) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
- xi) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton.
- xii) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton.

- b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-93013), J. Amatangelo (In trust), owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
- c) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Applicant:

J. Amatangelo (In trust), owner.

Agent:

J. Ariens, Planning Initiatives Ltd., Hamilton.

Surveyor:

Bryan Jacobs, O.L.S., Consoli & Jacobs Surveying Ltd., Hamilton.

Location:

The lands are located at the north west corner of Garth Street at Rymal Road West, in the Falkirk East Neighbourhood, City of Hamilton.

Lot Size and Area:

The subject property has:

- a frontage of 195 m (640 feet) on Upper Gage Avenue;
- a depth of 98.5 m (323 feet); and,
- a lot area of approximately 1.8 ha (4.4 acres).

History:

- At its meeting held on February 16, 1994, the Planning and Development Committee tabled the recommendation to deny Zoning Application 93-39, to give the Ward Alderman an opportunity to meet with the applicant and neighbours to resolve any outstanding issues with respect to the proposed development.
- At its meeting held on March 2, 1994, Planning and Development Committee approved the staff recommendation to deny Zoning Application 93-39.
- At its meeting held on March 8, 1994, City Council approved the following:

"That approval in principle be given to amended Zoning Application 93-39, Mr. Jerry Amatangelo (Intrust), owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for Block "1"; to "G-4" (Designed Neighbourhood Shopping Area) District for Blocks "2" and "3" for lands located at the north-west corner of Garth Street and Rymal Road West, shown as Blocks "1", "2", and "3" on the attached map marked as APPENDIX "A", on the following basis:

- i) That the Director of Local Planning prepare an appropriate resolution for inclusion with proposed Draft Plan of Subdivision 25T-93013 for presentation to the Planning and Development Committee and City Council, including:
 1. That Block "2" shall only be used for medical offices and related uses (e.g. x-ray, laboratory, pharmacy);
 2. That the approved Falkirk East Neighbourhood Plan be appropriately amended to provide for a walkway between the east end of proposed Lynnette Court and Garth Street, to change the road pattern, and to change the land use designations; and,

3. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority."

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Vacant	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	Vacant	"C"- 'H' (Urban Protected Residential, etc.- Holding) District, modified, "R-4" (Small Lot Single - Family Dwelling) District, modified and "C" (Urban Protected Residential, etc. - Holding) District, modified
to the west	Small Lot Single-Family Dwellings	"R-4" (Small Lot Single -Family Dwelling) District, modified
to the east	Vacant lands of the St. Elizabeth Home Society	"DE"- 'H' (Low Density Multiple Dwellings - Holding) District, modified
to the south	Vacant lands and Single-Family Dwellings	"AA" (Agricultural) District

EXISTING DEVELOPMENT CONTROLS:

Hamilton-Wentworth Official Plan The lands are within the "Urban Policy Areas" and identified as "Residential & Related Uses". The proposal complies.

City of Hamilton Official Plan The lands are designated in part for "Residential" and in part for "Commercial". The proposal would require an amendment to redesignate the entire commercial block for "Commercial" purposes.

Neighbourhood Plan The lands are designated for "Single and Double" residential and "Commercial". The proposal does not comply and would require an amendment to the Falkirk East Neighbourhood Plan to designate the entire commercial block for "Commercial" purposes, to delete the southerly extension of Lynnette Drive to Philomena Drive, realign the 20 ft. planting strip to abut the proposed residential development, and provide a walkway and sewer easement between Lynnette Court and Garth Street.

Zoning The changes shown in Appendix "A" and outlined recommendation (2) above, are required to permit the proposed development.

COMMENTS FROM CIRCULATION:

1. Re-zoning Application:

- The following Agencies have no comment or objection:
 - Building Department;
 - Union Gas; and,
 - Hamilton Region Conservation Authority.
- The Roads Department has no objection with respect to the amended application.
- The Traffic Department has no objection with respect to the amended application.

2. Subdivision Application:

- The following agencies were circulated and have advised that they have either no comments or objections to the approval of the proposed plan of subdivision:
 - Union Gas, Hamilton and Ontario Hydro, Bell Canada;
 - Niagara Peninsula Conservation Authority;
 - Ministry of Transportation; and,
 - Ministry of Culture, Tourism and Recreation
- Hamilton-Wentworth Roads Department submitted the following:

"For Information

1. *All recommendations made by the Roads Department in our memo dated 1994 February 18 (attached) still apply to this red line revised draft plan of subdivision subject to the notations marked in "red" to reflect the new lot numbering on the plan.*

2. *The designated sewer outlet for Lynnette Court is Rymal Road through Alfrin Court. A sewer connection could be achieved by way of easement over the residential lands separating Lynnette Court and Alfrin Court.*

Recommendations

1. *That the owner convey an easement to meet the requirements of the Region, in the vicinity of Lots 18 and 19 in order to provide a sewer connection between Lynnette Court and Garth Street.*
2. *That the owner's Consulting Engineer provide proof to the satisfaction of the Region that the existing storm and sanitary sewers on Garth Street are of adequate depth and capacity to drain Lots 8 to 19 (inclusive) and the future lots along the north side of Lynnette Court.*
3. *That Block 20 (Commercial Lands) be serviced from the existing sewers on Rymal Road West only.*

The submitted plan as prepared by Bryan Jacobs, O.L.S. stamped "Printed 1994 April 29" is satisfactory to the Transportation/Environmental Services Group subject to the above noted comments and recommendations."

- The Traffic Department submitted the following:

"We recommend that the lotting pattern shown on the submitted plan be modified, as shown in red on the attached plan, to avoid the potential overlapping of driveways between the property lines and the travelled portion of the roadway.

Although not covered by this application, we have modified one of the lot lines on the lands to the north and suggest that a copy of the plan be forwarded to the owners for information."

COMMENTS:

1. The proposal conflicts with the intent of the Official Plan. The application requires an Official Plan Amendment to redesignate a 2.6 acre parcel of land from "Residential" to "Commercial" (Block "2" and "3").
2. The proposal conflicts with the Falkirk East Neighbourhood Plan. If approved, a redesignation would be required for Block "2" from "SINGLE AND DOUBLE RESIDENTIAL" to "COMMERCIAL". Furthermore, a neighbourhood plan amendment would be required to change the approved road pattern as per the submitted plan (APPENDIX "B"), realign the 20 ft. planting strip to abut the proposed residential development, and provide a walkway and sewer easement between Lynnette Court and Garth Street.

3. Further to City Council's resolution, it is recommended that approval of the application be subject to the following special requirements:

- Block "2"

The type of commercial uses allowed on Block "2" of the subject lands will be limited to medical offices and related uses, and the maximum height of the building on Block "2" will be limited to 2.5 storeys (11.0 m), as proposed by the applicant (See APPENDIX "C").

- Lot Area

The maximum lot area is proposed to be 10, 548.0 m², whereas the "G-4" District permits a maximum lot area of 4000 m². However, as mentioned above, the use of Block "2" is restricted to medical office, medical laboratory, pharmacy, and, physiotherapy office only.

- Buffering and Screening

It is the intent of the Falkirk East Neighbourhood Plan to provide a 6.0 (20 ft.) planting strip to abut the proposed residential development (Block "1"), and typically a 1.2 m minimum to 2.0 m maximum high wood fence is provided in association with the planting strip.

The applicant will provide a minimum 6.0 m planting strip, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height along the entire northerly lot line of Blocks "2" and "3", and westerly lot line of Block "2". Furthermore, a minimum 3.0 m planting strip along the entire southerly lot line of Blocks "2" and "3", and easterly lot line of Block "3", except for the area used for access driveway, has been proposed.

These provisions are intended to mitigate any potential negative spill-over effects (i.e. noise, headlight glare, etc.) and provides an area for landscaping. Accordingly, it would be appropriate to require the above-mentioned planting strip, visual barrier, and landscape area as proposed (See APPENDIX "B").

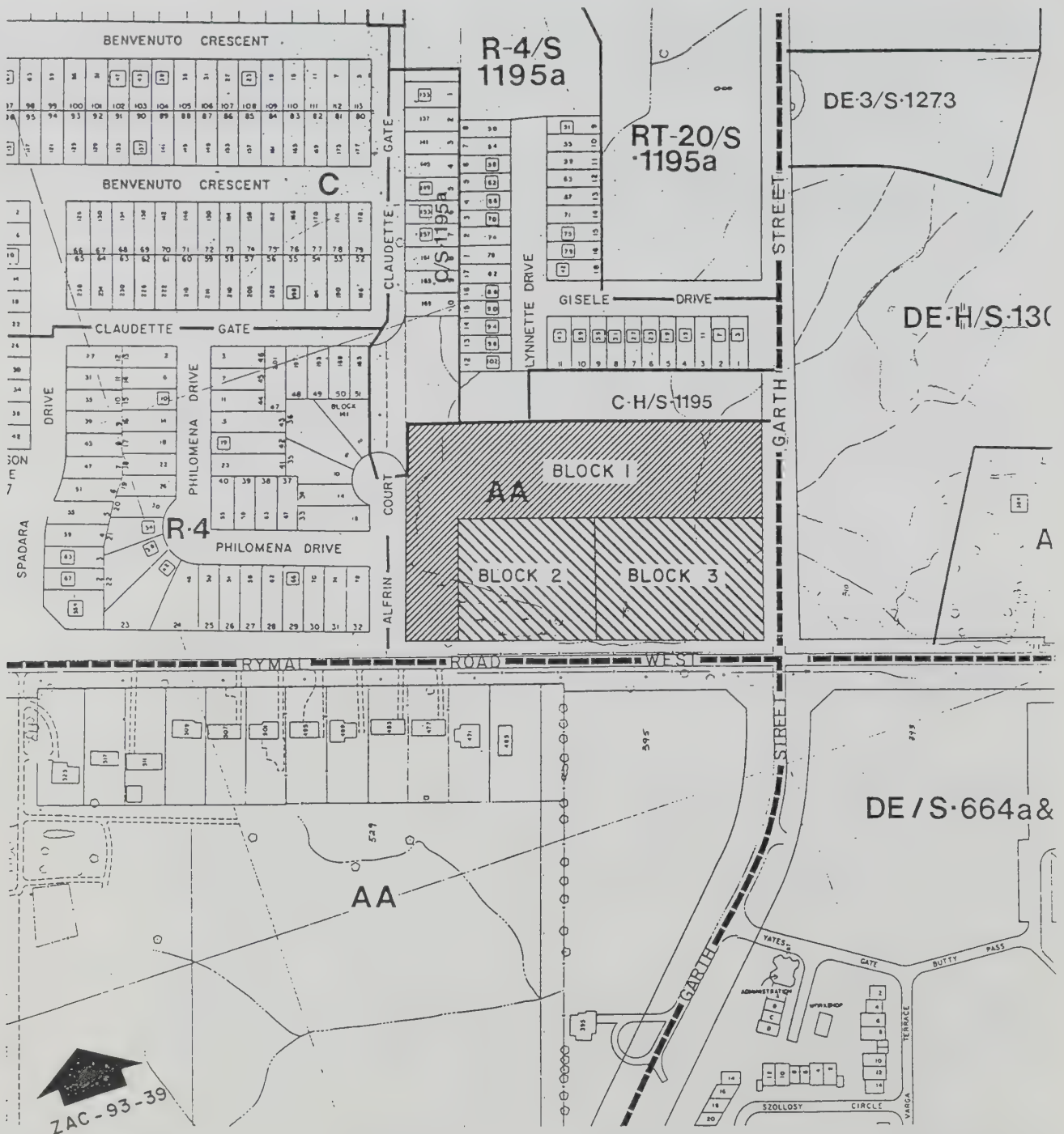
4. In order to satisfy the requirements of the "C" District zoning provisions and to provide for a walkway\sewer easement from the easterly limits of Lynnette Court to Garth Street, it is suggested that the subdivision submission be red line revised in accordance with APPENDIX "D".

5. In response to the Traffic Department's concern with the creation of overlapping driveways, it is suggested that a condition be requested requiring the owner to submit a copy of the final plan to the Traffic Department for review as a precondition to development.
6. All standard conditions of draft plan approval have been incorporated into the "Recommendation" section of this report.

CONCLUSION:

The foregoing implements City Councils' resolution of March 8, 1994.

RL/JL/Attach.
ZAC-93-39/T-93013.REP



Legend

Proposed change in zoning from "AA" (Agricultural) District to:

BLOCK 1

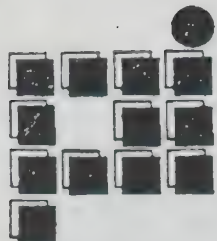


"C" (Urban Protected Residential, etc.) District.

BLOCKS
2 and 3



"G-4" (Designed Neighbourhood Shopping Area) District,
modified.



**planning
initiatives Ltd.**

engineers, planners and landscape architects

☐ 379 Queen Street S.
Kitchener, Ontario
N2G 1W6
Tel. (519) 745-9455
Fax (519) 745-7647

☒ 118 Jackson Street E.
Hamilton, Ontario
L8N 1L3
Tel. (416) 546-1010
Fax (416) 546-1011

MEMO VIA FAX

February 23, 1994

City of Hamilton
City Clerk's Office
City Hall, 71 Main Street West
Hamilton, Ontario
L8N 3T4

ATT: Ms. Susan Reeder, A.M.C.T
Legislative Assistant

Re: Application ZAC-93-39: Tabled at the February 16, 1994 Planning & Development Committee Meeting.

Dear Ms. Reeder:

As you are aware at the February 16, 1994 Planning & Development Meeting, application ZAC-93-39 was tabled by the Committee. The application was tabled in order to resolve various concerns and issues of the development proposal between the developer/consultant, area residents and the Ward 8 Aldermen.

As a result of our meeting with Alderman Ross and Alderman D'Amico on February 22, 1994 the following amendments to the application were agreed upon:

A) The residential component of the application will be modified from R-4 and C zoning to strictly C - single family uses.

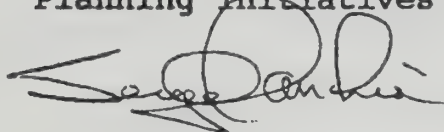
B) Regarding commercial "Building B", (please see attached) it will be restricted to Neighbourhood Commercial rather than General Commercial. This will coincide with the intent of the Falkirk East Neighbourhood Plan.

C) Regarding commercial "Building A", it will be limited to Professional/Medical office type uses ie. medical clinics, x-ray facilities, pharmacies, labs and other accessory use. In addition the proposed professional building will be limited to a maximum height of 11 metres.

D) The road pattern as proposed by the draft plan of subdivision was supported.

Accordingly please present this application before the next Committee meeting. If you have any additional questions and or concerns please contact the undersigned at your available convenience.

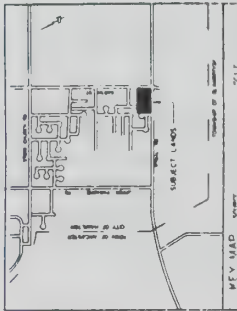
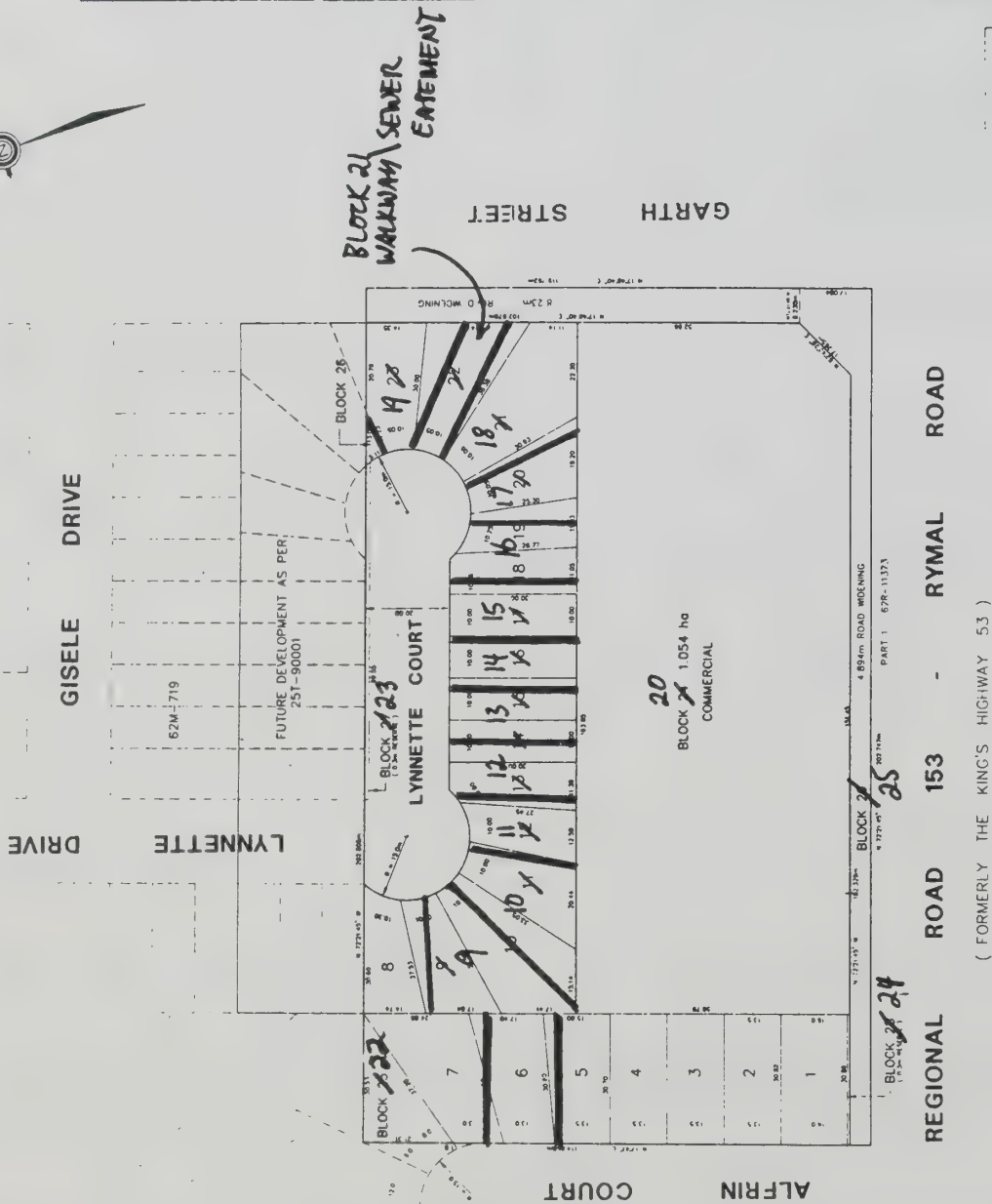
Yours truly,
Planning Initiatives Ltd.

A handwritten signature in dark ink, appearing to read 'Sergio Manchia', written over the typed name.

Sergio Manchia, B.A.
Planner

cc: Alderman Don Ross
Alderman Frank D'Amico
Mr. Paul Mallard - Planning & Development Department

DRAFT PLAN OF SUBDIVISION
BEING PART of LOT 19, CONCESSION 8
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON WENTWORTH



AND USE SCHEDULE

DESCRIPTION	AREA
1. LOT 1 TO 24 (inclusive)	1.054 ha
2. LOT 1 TO 24 (inclusive)	1.054 ha
3. LOT 1 TO 24 (inclusive)	1.054 ha
4. LOT 1 TO 24 (inclusive)	1.054 ha
5. LOT 1 TO 24 (inclusive)	1.054 ha
6. LOT 1 TO 24 (inclusive)	1.054 ha
7. LOT 1 TO 24 (inclusive)	1.054 ha
8. LOT 1 TO 24 (inclusive)	1.054 ha
9. LOT 1 TO 24 (inclusive)	1.054 ha
10. LOT 1 TO 24 (inclusive)	1.054 ha
11. LOT 1 TO 24 (inclusive)	1.054 ha
12. LOT 1 TO 24 (inclusive)	1.054 ha
13. LOT 1 TO 24 (inclusive)	1.054 ha
14. LOT 1 TO 24 (inclusive)	1.054 ha
15. LOT 1 TO 24 (inclusive)	1.054 ha
16. LOT 1 TO 24 (inclusive)	1.054 ha
17. LOT 1 TO 24 (inclusive)	1.054 ha
18. LOT 1 TO 24 (inclusive)	1.054 ha
19. LOT 1 TO 24 (inclusive)	1.054 ha
20. LOT 1 TO 24 (inclusive)	1.054 ha
21. LOT 1 TO 24 (inclusive)	1.054 ha
22. LOT 1 TO 24 (inclusive)	1.054 ha
23. LOT 1 TO 24 (inclusive)	1.054 ha
24. LOT 1 TO 24 (inclusive)	1.054 ha

INFORMATION REQUIRED
UNDER SECTION 54(2), THE PLANNING ACT (1967)
1. THE PROPOSED SUBDIVISION
2. THE PROPOSED LOTS
3. THE PROPOSED LOTS
4. THE PROPOSED LOTS
5. THE PROPOSED LOTS
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23. THE PROPOSED LOTS
24. THE PROPOSED LOTS

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THE INFORMATION CONTAINED IN THIS PLAN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.
DATE: 19 78

OWNER'S CERTIFICATE
I HEREBY CERTIFY TO THE INFORMATION CONTAINED IN THIS PLAN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.
DATE: 19 78

REVISIONS

planning initiatives ltd.

1000 SHEPPARD AVENUE EAST, SUITE 100
SCARBOROUGH, ONTARIO M1S 1T5
TEL: (416) 291-1111

DATE: 19 78

4

Alderman Ward 5 - Regional Councillor



City of
HAMILTON



Health & Social Services
Committee
-Chairman

Hamilton Farmer's Market
Subcommittee
-Chairman

Visible Minorities
Representation
Subcommittee
-Chairman

Day Care Task Force
-Chairman

School Child Nutrition
Task Force
-Chairman

Roomers & Boarders
Task Force
-Chairman

Employee Suggestion
Subcommittee
-Chairman

Hamilton Parking Authority
Committee
Vice-Chairman

Parks & Recreation
Committee

Economic Development
Committee

Airport Management
Board

CFL Hall of Fame
Committee

Status of Women
Subcommittee

Regional Audit
Committee

Hamilton Civic Hospitals
Board

Art Gallery of Hamilton
Board

Pre-Hospital Quality
of Care
Committee

1994 May 20

MAY 24 1994

Ms. T. Agnello, Secretary,
~~Planning~~ and Development Committee

Dear Ms. Agnello:

I would like to have an item placed on the next agenda of the Planning and Development Committee regarding the walkway closure at 300-304 St. Andrews Drive.

Please find attached a letter of support from the Police Department regarding this item.

I would appreciate being notified as to the date and time of this item so I may speak to the issue.

Yours sincerely,

**DOMINIC AGOSTINO, ALDERMAN,
WARD 5**

DA:tb

c.c. Mr. J. Raberts
300 St. Andrews
Hamilton, Ontario
L8K 5K4



Hamilton-Wentworth Regional Police



April 21, 1994

Alderman Dominic Agostino
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

"In Partnership
With Our
Community"

Dear Mr. Agostino:

I have reviewed the complaint of Mr. J. Raberts regarding the pathway between Unit #'s 300 & 304 St. Andrew's Drive. There is no doubt in my mind that this problem would be best dealt with by closing the pathway.

The current situation is an invitation to vandalism, littering and loitering, and short of constant attention, the situation will undoubtedly continue to be a nuisance to the community residents.

Constable Bull has spoken to the neighbours adjoining the pathway and they strongly support its closure. The pathway appears to serve no useful purpose and in fact may be a liability as it provides an access to a ravine that could be considered treacherous particularly during inclement weather.

I would support any effort in closing this pathway. In the interim, our officers will continue to give this area special attention.

Sincerely,

Phil Slack
Superintendent
Division Two

PS/rj

Chief of Police, Robert B. Middaugh
155 King William Street, Box 1060, LCD 1
Hamilton, Ontario, Canada L8N 4C1
Telephone (905) 546-4925

5a)

**CITY OF HAMILTON
- RECOMMENDATION -**

JUN 14 1994

DATE: 1994 June 11

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

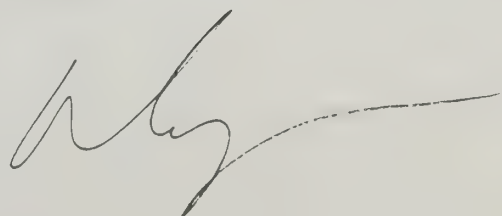
FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Amendment to By-law #93-167 - Authorizing Building
Permits and Fees for Tents (94.2.4.2.1.A)

RECOMMENDATION:

That By-law #93-167 to Authorize Building Permits and Fees be amended by deleting item (5) from Schedule 'A' and substituting the following:

- (5) Permit for the installation of a tent
- i) where the area of a single tent is 56m^2 (603 square feet) or less, and not more than two tents on a site \$25.
 - ii) where the area of a single tent exceeds 56m^2 (603 square feet), and not more than two tents on a site \$40.
 - iii) where more than two tents are on a site Basic fee of \$40. plus plus an amount calculated at the rate of \$9. per each \$1,000. or part thereof of the cost or valuation of construction in excess of the first \$10,000.
 - iv) where tents are erect on city owned property for a civic function \$0



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Sliding fee scale now accurately reflects cost of construction and inspection.

BACKGROUND:

At the Planning and Development Committee meeting on 1994 May 25, the Mayor raised the issue of building permit fees for tents erected for civic or non-profit purposes. Representatives from a tent rental agency and Creative Arts were in attendance at the same meeting.

The following issues were identified by the Mayor as problems with respect to the regulation of tents by the Building Department:

- Permit fees for civic functions were excessive.
- Permit fees based on \$40/tent were excessive where multiple tents are erected on one site (i.e. Festival of Friends).
- Administrative process for the approval of a permit for a tent is onerous.

Following the meeting of the Planning and Development Committee, the Department met with a major tent supplier to discuss the issues.

Permit Fees For Civic Functions - Although tents are erected on civic property for civic events and non-profit purposes, they are not exempt from complying with the requirements of the Ontario Building Code. The Building Code Act requires the issuance of a building permit and requires the chief building official to ensure that the erection and tent comply with the requirements of the building code requirements. For those tents erected on city owned property for civic functions, the fee is \$0.

Fees for Small Tents - It was concluded that a minimum permit fee of \$25. would be required for the erection of a maximum of two tents with an individual tent not to exceed 45m² (20' x 30' tent).

Permit Fees For Multiple Tents - The existing fee schedule requires a permit fee of \$40. per tent. For sites or events where multiple tents are erected, the permit fee becomes unrealistic. To accommodate this condition, it is proposed to base the permit fee on the total cost of erecting all the tents on a site. The charge will be based on a basic fee of \$40. plus \$9./\$1,000. of construction.

Administrative Process - In order to expedite permits for tents, the Department has investigated the use of prior-approved drawings to aid applicants. The tent supplier has agreed to provide the required engineered drawings to the Department for review. Once the drawings are approved, they will be kept on file and any applicant for a tent permit only needs to make reference to the approved drawings. This will enable the Department to issue tent permits on a same day basis for most applications.

LCK/PCL/dm

5b1

JUN 14 1994

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 June 11

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Retaining Walls (94.2.4.2.1.A)

RECOMMENDATION:

- a) That the City's Law Department be directed to amend By-law 78-113 to include a provision for owner/occupants of residential property to receive assistance in the form of a low interest loan for the replacement of deteriorating retaining walls as per Schedule A attached; and
- b) That the funds repaid under the Programme be placed in a recyclable account for the continuation of the Programme; and
- c) That the Building Commissioner be directed to include in the Building Department's Capital Budget \$500,000. per year for 1995, 1996 and 1997 for consideration in the 1995 - 2004 Capital Budget Process to address the ongoing problems of retaining walls throughout the City.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Building Department has, for the last few years, encountered more and more problems with aging and deteriorating retaining walls. These walls for the most part are constructed of wood and built fifteen to twenty years ago. The problem is particularly acute on the mountain, but

there are pockets in every ward. The City has become involved through complaints under the Property Standards By-law. The result is that the Department has been forced to issue Orders to Comply for expensive repairs. In many cases the owner has indicated an inability to pay for the repairs which can amount to \$15,000. or \$20,000.

The Department has looked at various alternatives and are recommending By-law 78-113 be amended to provide some financial relief for owners who are faced with substantial repair costs. The Building Department, Loans Division presently administers this By-law which provides low interest loans to homeowners for rehabilitation of single family dwellings. It is proposed that a special section be included in the By-law which specifically pertains to the replacement of retaining walls. If the Programme is approved, the monthly payment, based on a repayable loan of \$15,000., at 3% interest and amortized over fifteen years would be \$103.57 per month.

The provisions which are recommended to be included in the By-law amendment are attached as Schedule A.

In the short-term, 1994, it is anticipated that sufficient funds remain in the recyclable account, however, because of the potential scope of the problem, additional capital funding will be needed. The Department is, therefore, also recommending that the Planning and Development Committee direct the Department to include \$500,000. in the City's Capital Budget for each of the next three years for continuation of the Programme. It is also recommended that the moneys collected as repayment continue to be placed in the recyclable account in order that the Programme can be continued without requiring additional capital funding beyond 1997. As indicated it is anticipated that the situation, at least in the short-term, will get worse and some provision if at all possible, should be provided by the City.

LCK/JHR/dc
Encl.

cc. Ms. P. Noé Johnson, City Solicitor

SCHEDULE A

PROPOSED AMENDMENT TO BY-LAW 78-113

To allow for the processing of loans for the replacement of existing retaining walls. (Will form separate section of By-law 78-113)

- property owner-occupied;
- family incomes \$60,000. or less, loan of up to \$20,000. at 3% interest amortized over 15 years, and re-negotiated after five years at a rate of interest not greater than the City's prime lending rate. No penalty clause for early repayment;
- family incomes over \$60,000., City's prime lending rate at the time of finalization of application;
- inspection by City to determine need and eligibility;
- loans secured by lien registered on title;
- transferrable to new owner if sold and terms acceptable to purchaser;
- administration fee of 1.5% or minimum of \$200 (eligible for financing);
- engineered drawings and stamp must be provided, as well as site inspection by independent engineer are also eligible for funding;
- survey costs are eligible for funding;
- work inspected before payment is released to owner; cheques issued in two names;
- Planning & Development Committee and City Council must approve each application;
- retroactive funding not eligible;

OFFICE OF THE CITY CLERK

MEMORANDUM

TO: Tina Agnello, Secretary
Planning and Development Committee

YOUR FILE:

FROM: Mr. J. J. Schatz
City Clerk

OUR FILE:
PHONE: 546-2727

SUBJECT: Lot Grading Control with Respect to
Land Severance Applications Creating One,
Two and Three Lots

DATE: 1994 June 1

Please be advised that City Council at its meeting held 1994 May 31 referred back Section 11 of the NINTH Report of the Planning and Development Committee for 1994, as amended, as follows:

11. That on land severance applications of one, two or three lot developments:
- (a) That the Land Division Committee be informed that the City of Hamilton requires as a condition of approval of such applications:
 - (i) That the applicant, prior to the granting of Consent to a severance, enter into and register on title to the land being developed, a Lot Grading Agreement with the City of Hamilton satisfactory to the Building Commissioner, incorporating the following requirements:
 - (a) That the applicant's engineer prepare satisfactory to the Building Commissioner and have attached to the Agreement, a detailed grading plan of each separate parcel; and,
 - (b) That the applicant's payment of fees be as follows:
\$153. per parcel for grading inspection
\$350. administration fee per Agreement
A refundable security of \$2,000. per parcel to be refunded when lot grading certified completed; and,
 - (c) Agreement to give the City of Hamilton an easement to enter the land to complete the approved grading; and,

- (d) That the applicant complete the grading within six months of insulation inspection date or the City of Hamilton has the right to complete the grading; and,
 - (e) That the Security Deposit be released and Lot Grading Agreement discharged once the grading certification has been received and accepted by the Building Commissioner.
- (ii) That the applicant's lawyer prepare and register the Lot Grading Agreement incorporating the City of Hamilton's requirements, and the applicant's lawyer shall certify land ownership and registration of the Agreement, and its easement, to the City; and,
- (iii) That the said Lot Grading Agreement be in addition to any other conditions of the City of Hamilton, its Roads, Planning and other Departments submitted to the Land Division Committee.
- (b) That upon notification from the Building Commissioner that the City has received from the applicant's engineer confirmation that the grading, as approved, has been installed:
- (i) That the City Clerk be authorized to execute a discharge of the Lot Grading Agreement; and,
 - (ii) That the balance of the security received by the City that is not required for enforcement, be refunded to the applicant without interest.
- (c) That the Building Commissioner be directed to submit with the Building Department's annual adjustments to its user fee schedule for Council approval, adjustments, if required, to the fees and security provided herein; and,
- (d) That the Building Department staff complement be increased by one Customer Service Representative. This position will remain vacant until such time as revenues are sufficient to fund the costs.

Kindly ensure that appropriate action is taken with respect to this matter.

cc Alderman Henry Merling
Ted Gill, Senior Director, Roads Department
Len King, Building Commissioner
Patrice Noé Johnson, City Solicitor
Allan Ross, Treasurer
Victor Abraham, Director of Local Planning
Lou Lanza, Secretary-Treasurer, Land Division Committee, Planning Department
Bob Harkness, 148 Chesley Street, Hamilton L9C 3W3

A. J. Hollenell for
D. J. Schab

CITY OF HAMILTON
- RECOMMENDATION -

12

DATE: January 24, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. E. M. Gill, P. Eng.
Senior Director, Roads Department

Mr. L. C. King, P. Eng.
Commissioner
Building Department

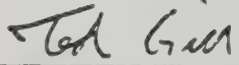
SUBJECT: Lot Grading Control with Respect to Land Severance
Applications Creating One, Two and, Three Lots.
(E205-05) (93.2.4.2.1.A, 93.2.6.1)

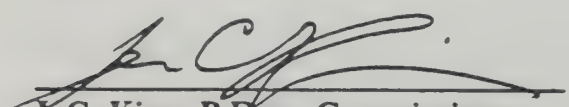
RECOMMENDATION:

On land severance applications for one, two, or three lot developments,

- a) That the Land Division Committee be informed, that the City of Hamilton requires, as a condition of approval of such applications,
 - (i) That the applicant (prior to the granting of Consent to a severance) enter into and register on title to the land being developed, a Lot Grading Agreement with the City of Hamilton satisfactory to the Building Commissioner, incorporating the following requirements:
 - (aa) Applicant's engineer to prepare satisfactory to the Building Commissioner and have attached to the Agreement, a detailed grading plan of each separate parcel;
 - (bb) Applicant's payment of the following fees:
 - for grading inspection, a fee of \$153.00 per parcel;
 - administration fee per agreement \$350.00;
 - a refundable security of \$2,000 per parcel, to be refunded when lot grading certified completed;
 - (cc) Agreement to give City of Hamilton an easement to enter the land to complete the approved grading;

- (dd) 1) Grading to be completed by applicant within six months of insulation inspection date or City of Hamilton has right to complete the grading.
 - 2) Security deposit to be released and Lot Grading Agreement discharged once the grading certification has been received and accepted by Building Commissioner.
- (ii) That the applicant's lawyer prepare and register the Lot Grading Agreement incorporating the City of Hamilton's requirements, and the applicant's lawyer shall certify land ownership, registration of the Agreement (and its easement) to the City;
- (iii) That the said Lot Grading Agreement be in addition to any other conditions of the City of Hamilton, its Roads, Planning and other departments submitted to the Land Division Committee.
- b) Upon notification from the Building Commissioner that the City has received from the applicant's engineer confirmation that the grading, as approved, has been installed,
 - (i) The City Clerk is authorized to execute a discharge of the Lot Grading Agreement,
 - (ii) That the balance of the security received by the City not required for enforcement, be refunded to the applicant without interest.
- c) That the Building Commissioner be directed to submit with the Building Department's annual adjustments to its user fee schedule for Council approval, adjustments, if required, to the fees and security provided for herein.
- d) That the Building Department staff complement be increased by one Customer Service Representative. This position to remain vacant until revenues are sufficient to fund the costs.


E.M. Gill, P. Eng., Senior Director
Roads Department


L.C. King, P.Eng., Commissioner
Building Department
EMG/CU/LCK/PCL/dm

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There is no financial impact on the City of Hamilton's budget in that the projected annualized costs of \$55,000 will be entirely offset by anticipated revenues.

Lot grading controls imposed as a condition of approval to "Land Severance Applications" before the Land Division Committee is recommended above as it is the most cost effective method to regulate grading on newly established one, two, and three lot severances.

Annualized gross costs of \$55,000 would be incurred to implement and operate the new lot grading requirements. These would be entirely recovered by the proposed user fees. The Building Department would not hire any additional staff until such time as revenues are sufficient to pay either a full time employee or a contract position. The City Treasury Department has advised that additional costs may be incurred for maintaining records of the \$2,000 refundable security.

ANALYSIS:

The City of Hamilton could impose, as one of its conditions of severance approval that the applicant be required to enter into a Lot Grading Agreement with the City, so that the City could control lot grading related to land severances creating one, two, and three lots.

Under the above recommendation, the applicant would be required to have its engineer prepare a grading plan and inspection controls at the applicant's expense, in the similar manner that severances of four or more lots and subdivisions are presently handled. However, as the above controls are for three or less lots, it is considered that the Building Department, which already works closely with the small developers, can (in place of the Roads Department) under the existing administration and inspection fees, administer these controls without additional administrative costs to the City of Hamilton.

The applicant would as a term of the Agreement, be required;

- (a) Submit to the Building Department a detailed lot grading plan, prepared by a Professional Engineer, for each lot being developed. Staff would review the plans for obvious errors and ensure that the Engineer's seal and signature were on the plans.
- (b) To give an easement to the City of Hamilton to enter the property in the event the City decided to complete the grading as a result of the applicant not completing the grading as required in the Agreement.

- (c) To provide the City with a security deposit in the amount of \$2,000/lot to ensure the grading is completed.
- (d) Upon completion of the grading, as required, to have a Professional Engineer certify to the City of Hamilton, that the grading had been completed in accordance with the approved detailed grading plan. If the grading is not so completed, the City may complete the work and use the security deposit to recover its costs. The Lot Grading Agreement would be discharged after the City receives and accepts the grading certificates.

The City of Hamilton would charge the applicant an inspection fee of \$153 per parcel - maximum of \$459 for three lots - this is the same rate applicable to existing lot grading controls on subdivisions. An administration fee of \$350 per Agreement would also be charged to offset review and preparation costs.

The applicant's fees, payable to the City of Hamilton referred to above, will be \$503 to \$809 depending upon the number of lots being developed (maximum of three lots). These costs include an inspection fee of \$153 per parcel and \$350 for the Lot Grading Agreement. The applicant will also provide the City with a security deposit in the amount of \$2,000 per lot. This security deposit will be refunded after the grading has been completed and the City has received and accepted the grading certificates.

It is estimated that the applicant will also incur private engineering costs of \$400 to \$1,200 (depending upon number of lots being developed, maximum of three lots) plus related legal expenses.

The advantages with respect to regulating lot grading as part of the Land Division Process are:

- The City of Hamilton could control grading related to one, two, and three lot severances ensuring that neighbouring properties are not negatively impacted by new development.
- The applicant's fees and costs could be recovered like all other property development costs from the purchasers of the newly created lots, and from the increased value of the applicant's lands as a result of the granting of the severances. These costs will also be an investment against future potential claims for damages to neighbouring properties related to drainage.
- The City of Hamilton will offset much of its costs by utilizing the Building Department and charging inspection and administration fees.

The only limitation with respect to the above controls is that the land severance process would not regulate either in-filling or private homeowner grading disputes.

BACKGROUND:

The City of Hamilton currently controls lot grading,

- (i) With respect to lands developed under the subdivision process - with the Subdivision Agreement;
- (ii) With respect to four or more lots created by land severance - by a Modified Subdivision Agreement.

The Committee has requested our Departments to review the feasibility of also implementing lot grading controls where only one, two, and three lots are created by land severance. It is our conclusion that the preferred method to regulate such lot grading is by means of the Lot Grading Agreement process outlined in the above recommendation.

Alternatives:

We have also examined, but do not recommend, the following two alternative methods to regulate grading on one, two, and three lot severances.

- 1. Lot Grading Control through the Building Permit Process.
- 2. Lot Grading Control through the Site Plan Control Process.

1. Lot Grading Control through the Building Permit Process

The Building Code regulations appeared to impose lot grading control, however, upon review, it is recognized that the Code's references to grading are exclusively for the narrow purpose of protecting the integrity of the building foundation and not the general grading of the property and its adjacent lands. The Regulation controls the immediate area of approximately 1.0m around the outside perimeter of buildings to protect the building's footings. Therefore, the building permit process is not available to control lot grading.

2. Lot Grading through the Site Plan Process

The Site Plan Process could be utilized to control lot grading in one of two ways. The City of Hamilton could either adopt a By-law to require all developments within the City of Hamilton to be completed under Site Plan Control or, when lands are being severed, a condition of severance approval could be that a Consent to severance not be granted until the site is designated subject to Site Plan Control.

- (c) To provide the City with a security deposit in the amount of \$2,000/lot to ensure the grading is completed.
- (d) Upon completion of the grading, as required, to have a Professional Engineer certify to the City of Hamilton, that the grading had been completed in accordance with the approved detailed grading plan. If the grading is not so completed, the City may complete the work and use the security deposit to recover its costs. The Lot Grading Agreement would be discharged after the City receives and accepts the grading certificates.

The City of Hamilton would charge the applicant an inspection fee of \$153 per parcel - maximum of \$459 for three lots - this is the same rate applicable to existing lot grading controls on subdivisions. An administration fee of \$350 per Agreement would also be charged to offset review and preparation costs.

The applicant's fees, payable to the City of Hamilton referred to above, will be \$503 to \$809 depending upon the number of lots being developed (maximum of three lots). These costs include an inspection fee of \$153 per parcel and \$350 for the Lot Grading Agreement. The applicant will also provide the City with a security deposit in the amount of \$2,000 per lot. This security deposit will be refunded after the grading has been completed and the City has received and accepted the grading certificates.

It is estimated that the applicant will also incur private engineering costs of \$400 to \$1,200 (depending upon number of lots being developed, maximum of three lots) plus related legal expenses.

The advantages with respect to regulating lot grading as part of the Land Division Process are:

- The City of Hamilton could control grading related to one, two, and three lot severances ensuring that neighbouring properties are not negatively impacted by new development.
- The applicant's fees and costs could be recovered like all other property development costs from the purchasers of the newly created lots, and from the increased value of the applicant's lands as a result of the granting of the severances. These costs will also be an investment against future potential claims for damages to neighbouring properties related to drainage.
- The City of Hamilton will offset much of its costs by utilizing the Building Department and charging inspection and administration fees.

The only limitation with respect to the above controls is that the land severance process would not regulate either in-filling or private homeowner grading disputes.

BACKGROUND:

The City of Hamilton currently controls lot grading,

- (i) With respect to lands developed under the subdivision process - with the Subdivision Agreement;
- (ii) With respect to four or more lots created by land severance - by a Modified Subdivision Agreement.

The Committee has requested our Departments to review the feasibility of also implementing lot grading controls where only one, two, and three lots are created by land severance. It is our conclusion that the preferred method to regulate such lot grading is by means of the Lot Grading Agreement process outlined in the above recommendation.

Alternatives:

We have also examined, but do not recommend, the following two alternative methods to regulate grading on one, two, and three lot severances.

1. Lot Grading Control through the Building Permit Process.
2. Lot Grading Control through the Site Plan Control Process.

1. Lot Grading Control through the Building Permit Process

The Building Code regulations appeared to impose lot grading control, however, upon review, it is recognized that the Code's references to grading are exclusively for the narrow purpose of protecting the integrity of the building foundation and not the general grading of the property and its adjacent lands. The Regulation controls the immediate area of approximately 1.0m around the outside perimeter of buildings to protect the building's footings. Therefore, the building permit process is not available to control lot grading.

2. Lot Grading through the Site Plan Process

The Site Plan Process could be utilized to control lot grading in one of two ways. The City of Hamilton could either adopt a By-law to require all developments within the City of Hamilton to be completed under Site Plan Control or, when lands are being severed, a condition of severance approval could be that a Consent to severance not be granted until the site is designated subject to Site Plan Control.

If the City of Hamilton were to designate all lands subject to Site Plan Control, the City could regulate lot grading in respect of new in-fill development that will not be regulated by a Lot Grading Agreement (because no severance approval was required by the owner).

Lot grading control through the site plan process is not recommended at this time as it is a more complex review and time consuming process than required for one, two, and three lot severances. Further, such method of control would be more costly to the City of Hamilton and to the applicant than the Lot Grading Agreement recommended above.

Also, at the present time, due to enforcement problems, site plan control procedures are under staff review for improvements. The Lot Grading Agreement method recommended above will be more enforceable as it will include security and registration of the Agreement by the owner who is marketing his land.

Grading Controls for lands not being severed - established lots

The City of Hamilton's current policies as amended by the above recommendation, will control lot grading on all land severances, but not where there is in-filling development on established vacant lots and not where existing private properties are regraded.

Each year in Hamilton there are usually about 160 severances of one, two, and three lots. We receive only two or three concerns per year with respect to their grading. Approximately 30 to 40 grading inquiries are received annually regarding re-grading of private properties.

A number of municipalities were contacted to find out how they are handling lot grading related to lands developed under the land severance process. The municipalities contacted were the Town of Ancaster, City of Stoney Creek, City of Burlington, City of London, City of Mississauga, and the City of Oshawa. Although these municipalities require a grading plan to be submitted for approval with respect to severances, generally, lot grading disputes that arise between private property owners, where the properties are outside development control, are considered civil matters to be resolved by the parties only.

The City Solicitor has advised that the City of Hamilton has no jurisdiction under the Municipal Act to pass by-laws to regulate grading generally and to enter private property to enforce grading. If someone modifies their grading and it causes a negative impact upon the neighbouring properties, it is a matter between the neighbouring landowners. The private property owners must settle their dispute amongst themselves or failing a resolution, they have the option of litigating their dispute in the courts.

As noted above, under the Planning Act, if the City of Hamilton were to designate all lands subject to Site Plan Control, the City could regulate lot grading in respect of new in-fill development in addition to regulating grading on one, two, or three lots created by severance. If the Committee is in favour of extending lot grading control to new in-fill development (that is not caught by controls under the land severance process) the Committee may refer this to staff for report back in conjunction with the pending report on improvements to the enforcement of the site plan control process.

If municipalities had jurisdiction generally to regulate lot grading on existing houses and developments, requests for the City of Hamilton's enforcement of such disputes would escalate tremendously and would result in substantial administration costs to the City. Furthermore, enforcement of a by-law of this type would be extremely difficult because the City would be placed in the middle of private disputes and expected to resolve them. In order to resolve a common grading dispute, the City would have to:

- Determine what the nature of the topography was prior to the modifications.
- Determine how the grading problem can be resolved, i.e. regrading, adding and/or redirecting swales, installation of rear yard catchbasins, etc. .
- The property or properties involved would be required to be surveyed, a grading plan prepared, a contractor hired to complete the work, supervision and inspection of the work by City staff, etc..
- The City would have to attempt to recover its costs from the adjacent owners either through fines or the courts.

CONCLUSIONS:

- (a) If the Committee decides to implement grading controls on one, two, and three lots created by severance, we recommend that lot grading controls be implemented as a condition of the land severance creating these lots;
- (b) If the Committee is in favour of extending lot grading control to new in-fill development (that is not caught by controls under the land severance process) the Committee may refer this to staff for report back in conjunction with the pending report on improvements to the enforcement of the site plan control process.

c.c.- P. Noé Johnson, City Solicitor, Law Department
c.c.- A. Ross, City Treasurer, Attn: W. Gilchrist
c.c.- V. Abraham, Director of Local Planning
c.c.- L. Lanza, Secretary-Treasury, Land Division Committee, Planning Department



**City of
HAMILTON**

OFFICE OF THE CITY CLERK

71 Main Street West, Hamilton, Ontario, L8N 3T4
Tel. (905) 546-2700 / Fax (905) 546-2095

1994 May 12, 1994

Mr. Bob Harkness
148 Chesley Street
Hamilton, Ontario
L9C 3W3

RE: Lot Grading Respecting Severances for One, Two and Three Lots

Dear Mr. Harkness:

As you are aware this matter was dealt with at the Planning and Development Committee meeting of 1994 May 4 and will be on the agenda for the Planning and Development Committee meeting 1994 May 25.

I understand that though you are keenly interested in this matter, you will be unable to attend the next meeting since you will be out of town on a previously scheduled matter.

Should you wish to obtain any further information, please contact the undersigned.

Sincerely

Tina Agnello, MPA, CMM III, AMCT
Secretary, Planning and Development Committee

cc: Alderman D. Drury, Chairperson
Alderman F. Eisenberger, Vice-Chairperson
Alderman H. Merling, Ward 7



City of
HAMILTON

1994 April 27

Mr. Harkness
148 Chesley Street
Hamilton, Ontario
L9C 3W3

**RE: Lot Grading respecting Land Severance Application for
One, Two and Three Lots**

Dear Mr. Harkness:

This is to confirm your attendance at a delegation at the Planning and Development Committee meeting to take place on Wednesday, 1994 May 4, at approximately 10:00 a.m. in Room 233, City Hall.

Yours very truly,

Tina Agnello, M.P.A., CMM III, A.M.C.T.
Secretary,
Planning and Development Committee

TA:sma

c.c. Alderman D. Drury, Chairman
Planning and Development Committee

Tabled P+D 1994 Apr 6.
Tabled P+D 1994 Apr 20.
FEB 01 1994

148 Cherley Street

Hamilton, Ontario, L9C 3K3

Jan. 26/94

Alderman Henry Werling
City Hall, Hamilton

Dear Alderman Werling:

Re: Lot Grading Control with Respect to Land Severance
Applications Creating One, Two + Three Lots

Almost a year ago, on Feb. 3/93, a staff recommendation to the Planning + Development Committee on the above issue was referred to an ad hoc committee, with you as chair. I understand, although the report seemed to be a satisfactory compromise + also seemed to generate support at the full committee level, that you wished to give it further study.

When I had appeared at the P. + D. Committee twice earlier on this issue, you were particularly supportive + helpful in obtaining further staff study + a set of recommendations. I am now anxious to hear of the results of the ad hoc committee review, + wish to appear at the P. + D. Committee when it is presented. Are you at all able to give me an indication of how soon that might be?

Hoping to hear from you soon,

Bob Harkness (332-7661)

c.c. Alderman Don Drury, Ch. of P. + D. Committee
Alderman Lon Ross, Ward 8
Tina Agnello, Secretary, P. + D. Committee

PLANNING AND DEVELOPMENT COMMITTEE

WEDNESDAY, 1994 JUNE 22ND

CONSENT AGENDA

A. MINUTES OF THE PLANNING AND DEVELOPMENT COMMITTEE

Minutes of the meeting of the Planning and Development Committee held Wednesday, 1994 May 25th.

B. SENIOR DIRECTOR, ROAD DEPARTMENT

- a) Acadia Estates, Arrowhead Heights of Rymal - Phase 1: Cash in Lieu of 5% Parkland Dedication.
- b) Claudette Gardens - Phase 6: Cash in Lieu of 5% Parkland Dedication.

C. BUILDING COMMISSIONER

a) Demolitions:

- i) 131 Forest Avenue
- ii) 137 Forest Avenue
- iii) 404 Beach Boulevard
- iv) 47 Limeridge Road East
- v) 161 Niagara Street
- vi) 169 Niagara Street
- vii) 171 Niagara Street

b) Commercial Loan Program

- i) Business Improvement Areas
- ii) Security for B.I.A.
- iii) 987 King Street West
- iv) 210 Ottawa Street North

c) Hamilton Emergency Loan Program

- i) 244 Lawnhurst Court
- ii) 169 Brentwood Drive

D. COMMISSIONER OF PLANNING AND DEVELOPMENT

- a) Five Year Review of the City of Hamilton Official Plan - Authorization for a Public Meeting.
- b) Public Participation Guidelines for Train Storage Yards - As prepared by the Advisory Committee on GO Transit.
- c) Site Plan Control Application DA-94-11 by Peter Esposto, owner of lands known as 9 Brantdale Avenue to amend the approved plans of Site Plan Control Application DA-93-22 to modify the layout and access driveway for a public parking lot; Southam Neighbourhood.
- d) City Initiative 94-B - Review of Vehicles permitted in Residential Zoning Districts, Authorization for a Public Meeting.
- e) Zoning Application 94-07 - 819 Upper Paradise Road - Revised Resolution.

E. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items.

1994 May 25
9:30 o'clock a.m.
Room 233, City Hall

A.

The Planning and Development Committee met.

There were Present: Alderman Don Drury, Chairperson
Alderman Fred Eisenberger, Vice-Chairperson
Mayor Robert M. Morrow
Alderman Frank D'Amico
Alderman William McCulloch
Alderman Dave Wilson
Alderman Henry Merling
Alderman Bob Charters

Regrets: Alderman Mary Kiss (Vacation)

Also Present: Alderman Terry Cooke
Alderman Terry Anderson
Victor Abraham, Director of Local Planning
Caroline Floroff, Planning Department
Christine Lee-Morrison, Planning Department
Bill Janssen, Planning Department
Joanne Hickey-Evans, Planning Department
Eugene Chajka, Transportation/Environmental Services
Dave Powers, Law Department
Ed Switenky, Traffic Department
Mike Watson, Property Department
Brian Allick, Building Department
Peter Lampman, Building Department
John Robinson, Building Department
John Sakala, Planning Department
Nina Chapple, Planning Department
Hazel Milsome, Public Works Department
Charlene Touzel, Acting Secretary

PUBLIC MEETING

9:30 O'CLOCK A.M.

1. City Initiative 94-A for a General Text Amendment to the City of Hamilton Zoning By-Law No. 6593 Respecting Use of Tents for Temporary Business Uses

The Committee was in receipt of a report dated 1994 May 16 from the Commissioner of Planning and Development respecting the above-noted matter. The Committee approved the following:

That approval be given to City Initiative 94-A, for a general text amendment to Zoning By-law No. 6593, to permit the temporary use of tents for business purposes, on the following basis:

(a) That Subsection 4(2) of Zoning By-law No. 6593, as amended, be further amended by deleting the Subsection in its entirety and replacing it with the following:

4. (2) The use of tents for human habitation or for business or other purposes is hereby prohibited, except as follows:

(a) The above provision shall not apply to the use of tents for summer camps and for circuses and other like uses of a transient nature;

- (b) The above provision shall not apply to the use of tents for children's play, or for picnics or other such temporary non-business purposes;
- (c) The above provision shall not apply to the temporary use of tents within a "G", "G-1" or "G-2" District, for business purposes, provided that:
 - (i) the temporary business uses shall be restricted to accessory uses, only in conjunction with an established permitted use;
 - (ii) a temporary business use within a tent shall be permitted for a period not to exceed 120 days annually;
 - (iii) any tent, or combination of tents, used for temporary business purposes on any one lot, shall not occupy more than 10% of the total number of parking spaces provided on the lot.

- (b) That Section 18 of Zoning By-law No. 6593, as amended, be further amended by adding the following paragraph to the end of the existing Subsection 18(3)(vi)(f):

Notwithstanding the above, a fence may be temporarily erected or maintained in conjunction with a tent erected in accordance with Subsection 4(2)(c), to a height of not more than 2.2 m.;

- (c) That Section 18A of Zoning By-law No. 6593, as amended, be further amended by adding a new Subsection 18A(41), to read as follows:

18A(41) The provisions of Subsection 18A(1) shall not apply to temporary accessory business uses established within a tent in accordance with Subsection 4(2)(c). Furthermore, notwithstanding Subsection 18A(1), the number of required parking spaces may be temporarily reduced on any lot, to provide for a tent for temporary business uses established in accordance with Subsection 4(2)(c).;

- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,
- (e) That the proposed amendment to Zoning By-law No. 6593 is in conformity with the Official Plan for the Hamilton Planning Area.

2. **Zoning Application 93-42, A. Kumar, owner, for a Change in Zoning from "AA" District to "C" District for Lands Located at the Rear of 1094 Upper Sherman Avenue; Thorner Neighbourhood**

The Committee was in receipt of a report dated 1994 May 11 from the Commissioner of Planning and Development respecting the above-noted matter. The Committee approved the following:

That approval be given to Zoning Application 93-42, Ashok Kumar, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the development of the subject lands for single-family dwellings in conjunction with lands to the west, for property located at the rear of 1094 Upper Sherman Avenue, shown on the attached map marked as Appendix "A", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,
- (b) That the Director of Local Planning be directed to prepare a By-law to amend Zoning By-law No. 6593 in a form satisfactory to the City Solicitor, and Zoning District Map E-27A for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

3. **Amendment to the Official Plan and Amended Zoning Application 93-43, A. Kumar, owner, for a Modification to the "AA" District Regulations for Lands Located at the Front of 1094 Upper Sherman Avenue; Thorner Neighbourhood**

The Committee was in receipt of a report dated 1994 May 11 from the Commissioner of Planning and Development respecting the above-noted matter.

Daniel Gabriel, Mars Homes, representing the owner of the property, was in attendance requesting the Committee's approval of the Zoning Application.

Alderman Merling submitted to Planning and Development Department staff, a number of objections he received from neighbourhood residents respecting this Zoning Application.

Given the above, the Committee did not support staff's recommendation for approval but recommended that the Zoning application be denied. The Committee subsequently approved the following:

That Zoning Application 93-43, Ashok Kumar, owner, requesting an Official Plan Amendment to establish a new Special Policy Area to permit limited commercial uses, including offices, and a modification to the established "AA" (Agricultural) District, to permit limited commercial uses on the lands located at the front of 1094 Upper Sherman Avenue, shown the attached map marked as Appendix "B", be denied for the following reasons:

- (a) The proposed uses are not compatible with existing and proposed residential development in the surrounding area; and,
- (b) It conflicts with the intent of the approved Neighbourhood Plan in that the lands are designated "Single and Double Residential"; and,
- (c) There is an adequate supply of commercially zoned lands in the neighbourhood to meet the needs of residents of the community; and,
- (d) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law.

9:45 O'CLOCK A.M.

4. **Zoning Application 94-07, Homes by Desantis Inc., Prospective Owner, for a Change in Zoning from "AA" District to "RT-20" District, Modified, for Lands Located at 819 Upper Paradise Road; Gilkson Neighbourhood**

The Committee was in receipt of a report dated 1994 May 16 from the Commissioner of Planning and Development respecting the above-noted matter.

John Arians, Planning Consultant, Planning Initiatives; Serge Manchia, Planning Initiatives; and, Peter DeSantis, representing the owner, were in attendance requesting the Committee's consideration in approving this Zoning Application.

Mr. Manchia advised Committee Members that an informal public meeting was held on 1994 March 2 to advise the neighbourhood residents of the owner's intentions to develop sixteen townhouse units on this property. A rendering of the proposed development was shown for the Committee's information.

Alderman D'Amico, ward Alderman, asked that the Committee support this application.

Given the above, the Committee did not support staff's recommendation for denial and approved the following:

That approval be given to Zoning Application 94-07, Homes By DeSantis Inc. (In Trust), prospective owner, requesting a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District, to permit the development of sixteen (16) townhouse units for lands located at 819 Upper Paradise Road, as shown on the attached map marked as Appendix "C", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District; and,
- (b) That the Director of Local Planning be directed to prepare a By-law to amend Zoning By-Law No. 6593 in a form satisfactory to the City Solicitor, and Zoning District Map W-27C for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
- (d) That the Gilkson Neighbourhood Plan be amended by redesignating the subject lands from "Single and Double Residential" to "Attached Housing".

5. DELEGATION

Concerns of New Street Residents re: Taco Bell Development on Main Street West

The Committee was in receipt of a letter dated 1994 May 18 from Alderman Mary Kiss outlining the neighbours concerns respecting the new Taco Bell development on Main Street West.

In Alderman Kiss' absence, Alderman Terry Cooke was in attendance to bring the Committee up to date on the residents' concerns respecting the use of the alleyway abutting their properties, by vehicles and pedestrians visiting the restaurant.

The Committee was also in receipt of a letter dated 1994 May 24 from Mr. and Mrs. David McQuilkin, 60 New Street outlining their concerns that they were not notified of the Committee of Adjustment meeting held on 1993 November 10 and that the public directly impacted by this new development were not given an opportunity to comment on the proposed development. Mr. McQuilkin was in attendance and brought to the Committee's attention that the 1993 November 10 minutes of the Committee of Adjustment meeting made no mention that access to the alleyway had been approved and requested clarification on this matter. Mr. McQuilkin added that in meeting with Taco Bell's Architect, the residents were assured that access to the alleyway would only be used for service vehicles.

Jeff Jones, 66 New Street, was also in attendance and advised Committee Members that the residents are willing to work with Taco Bell to resolve this matter but also expressed his concern that residents were not notified of the Committee of Adjustment meeting.

Mr. Tucker, 75 Dundurn Street South, was also in attendance to express his concerns respecting his own personal safety when entering the alleyway to park his vehicle in his parking space which is located at the rear of his property.

A copy of a letter dated 1994 May 24 from Domus Architects indicating Taco Bell's position on this matter was also circulated for the Committee's information.

Ronald Dee, National Development Manager for Taco Bell was in attendance and advised Committee Members that Taco Bell did meet with the residents whose property abuts the new development. Mr. Dee added that access to the laneway is necessary for the development and added that Taco Bell would not have proceeded with this site if access to the alleyway was not permitted.

Mr. Dee added that Taco Bell did enter and complete a long and detailed Site Plan Application that was approved by the City and that Taco Bell is willing to modify the curbing, install steel bollards and appropriate signage so that traffic will be encouraged to exit onto Dundurn Street. The Committee was also advised that Taco Bell is willing to hold monthly meetings with the area residents after the restaurant's opening to discuss any ongoing concerns they may have.

After considerable discussion, the Committee approved the following:

- (a) That Taco Bell be requested to provide a controlled access gate between its property and the assumed alleyway immediately north thereof and that controlled access to the alleyway be in place by the restaurant's opening in 1994 June; and,
- (b) That the Planning and Development Committee accept Taco Bell's offer to install steel bollards and appropriate signage in the alleyway so that any exiting traffic will be directed to Dundurn Street and that this agreement be built into the Site Plan; and,
- (c) That the City Solicitor be requested to give a legal opinion on the circularization of notices for Committee of Adjustment meetings given that a number of residents in the area indicated that they did not receive notice of the 1993 November 10 meeting and that the City Solicitor also review the wording of the Committee of Adjustment approval to determine whether or not access to the alleyway north of the property was granted to Taco Bell.

COMMISSIONER OF PLANNING AND DEVELOPMENT

6. **City Initiative 90-F, Consideration of the Elimination of the Reduced Parking Standards for New Commercial Development and/or Redevelopment in the Central Business District, and the Application of the "Cash-in-lieu" of Parking Policy**

The Committee was in receipt of a report dated 1994 May 5 from the Commissioner of Planning and Development respecting the above-noted matter.

The Committee amended recommendation (c) of the staff report by adding the words "in the Central Business District" after the words "parking requirements". The Committee approved the following as amended:

That approval be given to City Initiative 90-F respecting the parking standards for commercial development in the Central Business District, and the "Cash-in-lieu of Parking Policy", on the following basis:

- (a) That the present parking requirements for commercial development in the Central Business District be maintained; and,
- (b) That the "Cash-in-lieu of Parking Policy" be maintained; and,
- (c) That the Committee of Adjustment be requested to not approve any applications for reduced parking requirements in the Central Business District where the "Cash-in-lieu of Parking Policy" is an option.

7. **City of Hamilton's Special Legislation Regarding the Demolition of Designated Heritage Properties**

The Committee was in receipt of a report dated 1994 May 17 from the Commissioner of Planning and Development respecting the above-noted matter. The Committee approved the following:

That City Council authorize and direct the City Solicitor to request Special Legislation which would extend the provisions of the Demolition Control By-law to all heritage properties designated under the Ontario Heritage Act, regardless of their use.

8. **BUILDING COMMISSIONER/DIRECTOR OF PROPERTY**

Administrative Fees and Functions Pursuant to City of Hamilton By-law No. 84-35 - Contractors for Cutting Grass and Removing Debris from Private Property

The Committee was in receipt of a report dated 1994 May 6 from the Building Commissioner and the Director of Property respecting the above-noted matter. The Committee approved the following:

That the Building Department be solely responsible for the function of providing contractors for the cutting of grass and removal of debris on private property, pursuant to the authorities contained in By-Law No. 84-35 which is enforced by the Building Department, effective 1994 June 1.

9. **BUILDING COMMISSIONER**

Barton Street Development Corporation

The Committee was in receipt of a report dated 1994 May 5 from the Building Commissioner respecting the above-noted matter. The Committee amended the staff recommendation by adding the Mayor to the list of members of the Barton Street Implementation Committee and approved the following:

That subject to approval from the Province of Ontario for start-up funds for the Barton Street Development Corporation as well as an allocation of \$5,000,000. for implementation of the Barton Street Development Programme:

- (a) That the Building Department be directed to prepare the terms and conditions for the Barton Street Community Development Corporation; and,
- (b) That the Law Department be directed to prepare the Letters of Incorporation for the Barton Street Development Corporation; and,

- (c) That the Treasury Department be directed to prepare the Books of Account for the Barton Street Development Corporation; and,
- (d) That prior to the establishment of the Barton Street Development Corporation and approval of a Board of Directors, that an interim Barton Street Implementation Committee be established with the following membership:

Building Department, Chairman
 Mayor Morrow
 Two Aldermen, Ward Three
 One representative from the Ministry of Economic Development and Trade
 One representative from the Ministry of Housing
 One representative from the Ministry of Municipal Affairs
 One representative from the Hamilton Arts Council
 One representative from the Hamilton Artists Inc.
 One Landlord from the Barton Street Business Improvement Area
 One Tenant from the Barton Street Business Improvement Area
 One Landlord, outside the Barton Street Business Improvement Area
 One Tenant, outside the Barton Street Business Improvement Area
 One representative from the Social Planning and Research Council
 One representative from St. Matthew's House
 One representative from the Planning Department, Public Works Department and the Housing and Loans Division, Building Department
 (Total of 18 Members)

Further to the above, the Committee, on the recommendation of Mayor Morrow, approved the following:

That the Building Commissioner be directed to prepare a report on the feasibility and costs associated with establishing a Community Development Corporation within the Gore Park/downtown core area, including the existing downtown Business Improvement Areas, for consideration at the next Planning and Development Committee meeting.

10. **DIRECTOR OF PUBLIC WORKS/DIRECTOR OF LOCAL PLANNING**

Revitalization of Ferguson Avenue - Barton to Cannon Streets

The Committee was in receipt of a report dated 1994 May 18 from the Director of Public Works and the Director of Local Planning respecting the above-noted matter.

Hazel Milsome, Public Works Department, made a presentation respecting the Concept Plan for the revitalization of Ferguson Avenue between Barton and Cannon Streets.

A representative from CN was in attendance to offer CN's support for the Concept Plan for the revitalization of Ferguson Avenue.

The Committee was in receipt of a letter dated 1994 May 25 from Mr. James Drake, President, Beasley Neighbourhood Association outlining his concerns with respect to this project. Mr. Drake was in attendance and questioned the public participation component of this project and asked that the Concept Plan be referred back to the Ferguson Avenue Committee for comment. Hazel Milsome, Public Works Department, indicated that the Concept Plan was approved by the Ferguson Avenue Committee at its last meeting.

Alderman McCulloch commended staff and the Ferguson Avenue Committee for their hard work on this project and encouraged Committee Members to support this proposal. The Committee approved the following:

That the concept plan for the revitalization of Ferguson Avenue between Barton and Cannon Streets attached hereto and marked as Appendix "D" be approved for implementation of the roads, sidewalks and curbs under the Local Improvement Act.

11. LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

St. George's Anglican Church - Designation

The Committee was in receipt of a report dated 1994 May 17 from the Acting Secretary of the Local Architectural Conservation Advisory Committee respecting the above-noted matter. The Reasons for Designation were circulated for the Committee's information. The Committee approved the following:

- (a) That City Council give approval to the "Intent to Designate" St. George's Anglican Church and Sunday School at 10 Tom Street as a property of historical and architectural value, as outlined in the Reasons for Designation attached hereto and marked as Appendix "E", pursuant to the provisions of the Ontario Heritage Act, 1983; and,
- (b) That the City Solicitor be authorized as directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

12. SENIOR DIRECTOR, ROADS DEPARTMENT/BUILDING COMMISSIONER

Lot Grading Control with Respect to Land Severance Applications Creating One, Two and Three Lots

The Committee was in receipt of a report dated 1993 January 24 from the Senior Director, Roads Department and the Building Commissioner respecting the above-noted matter. The Committee approved the following:

That on land severance applications of one, two or three lot developments:

- (a) That the Land Division Committee be informed that the City of Hamilton requires as a condition of approval of such applications:
 - (i) That the applicant, prior to the granting of Consent to a severance, enter into and register on title to the land being developed, a Lot Grading Agreement with the City of Hamilton satisfactory to the Building Commissioner, incorporating the following requirements:
 - (a) That the applicant's engineer prepare satisfactory to the Building Commissioner and have attached to the Agreement, a detailed grading plan of each separate parcel; and,
 - (b) That the applicant's payment of fees be as follows:
\$153. per parcel for grading inspection
\$350. administration fee per Agreement
A refundable security of \$2,000. per parcel to be refunded when lot grading certified completed; and,
 - (c) Agreement to give the City of Hamilton an easement to enter the land to complete the approved grading; and,

- (d) That the applicant complete the grading within six months of insulation inspection date or the City of Hamilton has the right to complete the grading; and,
- (e) That the Security Deposit be released and Lot Grading Agreement discharged once the grading certification has been received and accepted by the Building Commissioner.
- (ii) That the applicant's lawyer prepare and register the Lot Grading Agreement incorporating the City of Hamilton's requirements, and the applicant's lawyer shall certify land ownership and registration of the Agreement, and its easement, to the City; and,
- (iii) That the said Lot Grading Agreement be in addition to any other conditions of the City of Hamilton, its Roads, Planning and other Departments submitted to the Land Division Committee.
- (b) That upon notification from the Building Commissioner that the City has received from the applicant's engineer confirmation that the grading, as approved, has been installed:
 - (i) That the City Clerk be authorized to execute a discharge of the Lot Grading Agreement; and,
 - (ii) That the balance of the security received by the City that is not required for enforcement, be refunded to the applicant without interest.
- (c) That the Building Commissioner be directed to submit with the Building Department's annual adjustments to its user fee schedule for Council approval, adjustments, if required, to the fees and security provided herein; and,
- (d) That the Building Department staff complement be increased by one Customer Service Representative. This position will remain vacant until such time as revenues are sufficient to fund the costs.

13. **CONSENT AGENDA**

A. ADOPTION OF MINUTES

The Committee was in receipt of the minutes of the Planning and Development Committee for its meeting held 1994 May 4. These minutes were adopted as circulated.

B. BUILDING COMMISSIONER

a) Demolition of 454 Burlington Street East

The Committee was in receipt of a report dated 1994 May 10 from the Building Commissioner respecting the above-noted matter. The Committee approved the following:

That the Building Commissioner be authorized to issue a demolition permit for 454 Burlington Street East.

b) Demolition of 48 Holly Avenue

The Committee was in receipt of a report dated 1994 May 10 from the Building Commissioner respecting the above-noted matter. The Committee approved the following:

That the Building Commissioner be authorized to issue a demolition permit for 48 Holly Avenue.

c) Demolition of 1630 Upper Gage Avenue

The Committee was in receipt of a report dated 1994 May 10 from the Building Commissioner respecting the above-noted matter. The Committee approved the following:

That the Building Commissioner be authorized to issue a demolition permit for 1630 Upper Gage Avenue.

d) Hamilton Emergency Loan Program - 83 Cheever Street

The Committee was in receipt of a report dated 1994 May 16 from the Building Commissioner respecting the above-noted matter. The Committee approved the following:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, one hundred and fifty dollars (\$1,150.) be approved for Beryl Boax, 83 Cheever Street, Hamilton. The interest rate will be 8 per cent amortized over 2 years.

e) Hamilton Emergency Loan Program Increase - 25 Oxford Street

The Committee was in receipt of a report dated 1994 May 4 from the Building Commissioner respecting the above-noted matter. The Committee approved the following:

That a loan increase of \$161. be approved for Maria Sousa, 25 Oxford Street, under the Hamilton Emergency Loan Programme. The total loan is now \$482.

C. COMMISSIONER OF PLANNING AND DEVELOPMENT

Application to Remove Part-lot Control from Block 30 of Registered Plan No. 62M-750

The Committee was in receipt of a report dated 1994 May 11 from the Commissioner of Planning and Development and the Committee approved the following:

- (a) That the request by Ginfil Construction Limited, to remove part-lot control from Block 30 of Registered Plan No. 62M-650, to allow for the creation of five (5) single detached residential lots, be approved, subject to the following:
 - (i) That the owner/applicant submit to the Roads Department for approval, a detailed grading plan showing existing and proposed grades as well as the location and design of vehicular turnarounds for each proposed lot; and,
 - (ii) That the owner/applicant be required to install dual private drain and water service connections to each proposed lot prior to final approval of the part-lot control by-law; and,

- (iii) That the owner/applicant be required to enter into a Modified Subdivision Agreement with the City of Hamilton prior to development of any portion of the subject lands.
- (b) That the by-law attached hereto and marked as Appendix "F" to remove part-lot control from Block 30 of Registered Plan No. 62M-650, be enacted by Council; and,
- (c) That following enactment of the by-law mentioned in (b) above, that the Regional Municipality of Hamilton-Wentworth, as delegates of the Minister of Municipal Affairs, be requested to grant approval to the by-law and endorse said approval on the by-law; and,
- (d) That following completion of the conveyances being permitted by the said by-law to remove part-lot control, that the City Solicitor be directed to prepare a by-law to repeal the said by-law for presentation to City Council.

D. LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

- a) **Canadian Westinghouse Head Office Building, 286 Sanford Avenue North - Heritage Permit for Alteration to North Facade**

The Committee was in receipt of a report dated 1994 May 17 from the Acting Secretary of the Local Architectural Conservation Advisory Committee respecting the above-noted matter. The Committee approved the following:

That, in accordance with the requirements of the Ontario Heritage Act, a Heritage Permit be issued for the removal of the enclosed pedestrian bridge linking the Canadian Westinghouse Head Office Building with a Westinghouse building to the north and the restoration of the original facade, as shown on Appendix "G" attached hereto, under the condition that Heritage Planning staff approve of the choice of appropriate materials for the proposed restoration work.

- b) **Hamilton GO Centre (T.H.& B. Station) - Heritage Permit for Alteration to Platform Canopy**

The Committee was in receipt of a report dated 1994 May 17 from the Acting Secretary of the Local Architectural Conservation Advisory Committee respecting the above-noted matter. The Committee approved the following:

That a Heritage Permit be issued for the following alteration, in accordance with the requirements of the Ontario Heritage Act: a reduction in the width of the platform canopy by two feet on either side in order to provide the horizontal clearance required by CP Rail for its freight trains at the Hamilton GO Centre on Hunter Street East (former T.H.& B. Station).

E. CORRESPONDENCE RECEIVED

Letter from D. M. Beattie, Chairman, Hamilton Harbour Commissioners respecting Hamilton Harbour

The Committee was in receipt of a letter dated 1994 May 17 from Duncan Beattie, Chairman, Hamilton Harbour Commissioners requesting the status of the outstanding Harbour Commissioners items that were discussed at the 1994 May 4 meeting of the Planning and Development Committee. The Committee agreed to send a letter to Mr. Beattie advising him that a meeting of the newly established Sub-Committee on Harbour Issues will be called in the near future.

F. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE**Information Items**

The Committee was in receipt of a report dated 1994 May 18 from the Secretary, Planning and Development Committee, and the Committee received the following information items which have been previously forwarded to members of the Planning and Development Committee under separate cover:

- a) Information Report dated 1994 May 6 from the Building Commissioner respecting the Commercial Loan Program for 125 King Street East; and,
- b) Information Report dated 1994 May 6 from the Commissioner of Planning and Development respecting the Development Status of the South Mountain Development; and,
- c) Information Report dated 1994 May 12 from the Director of Public Works respecting Floral Planting in the James Street North Business Area

14. PRIVATE AND CONFIDENTIAL AGENDA

The Committee was in receipt of a Private and Confidential Report dated 1994 May 9 from the Building Commissioner respecting a Commercial Loan for 981-991 King Street West.

At the applicant's request, the Committee did not adjourn to meet in camera. The Committee did not support staff's recommendation and approved the following:

- (a) That an additional Commercial Loan in the amount of twenty thousand, six hundred and thirty five dollars (\$20,635.) be approved for John Mouskos for the property at 981-991 King Street West. The interest rate will be 3 3/8 percent amortized over ten years; and,
- (b) That a Commercial Loan increase in the amount of seven thousand, one hundred and five dollars (\$7,105.) be approved for John and Helen Mouskos for the property at 1023 King Street West. The interest rate will be 2 3/4 percent amortized over ten years.

15. OTHER BUSINESS

- a) **Added Report - Site Plan Control Application DA-94-10 for a Building Expansion to the Existing Facility at 22 Head Street**

The Committee was in receipt of an added report dated 1994 May 24 from the Commissioner of Planning and Development respecting the above-noted matter.

Representatives from St. Demetrios Greek Orthodox Church were in attendance.

The Committee amended the staff report by deleting section (e) requiring a modification to the parking lot and approved the following:

That approval be given to Site Plan Control Application DA-94-10 by the Hellenic Community of Hamilton and District, St. Demetrios Greek Orthodox Church, owner of the lands at 22 Head Street, for a building addition to the existing facility subject to the following:

- (a) Modification to the plans related to dimensions, notes, driveways and landscaping as marked in red on the plans; and,

- (b) Finalization of the relocation of the existing alley from Head Street to Strathcona Avenue and the provision of the required encroachment agreement; and,
- (c) Clarification of the calculations of the Details for Development to the satisfaction of the Building Commissioner; and,
- (d) Approval by the Committee of Adjustment for the following variances:
 - (i) a front yard of 1.52m instead of the required 4.236m; and,
 - (ii) a southerly side yard of 4.1m instead of the required 7.5m; and,
 - (iii) a northerly side yard of 0.457m to the new public alley instead of the required 7.25m; and,
 - (iv) a 6.5m wide canopy as close as 0.0m to the southerly lot line instead of the required 6.5m; and,
 - (v) an accessory covered garbage structure to be located in the northerly side yard; and,
 - (vi) a landscape area of 371.0m² instead of the required 1,048.28m².
- (e) Incorporation of comments from the Public Works Department on the proposed protection for retaining the existing trees along Head Street adjacent to the new development or alternatively proceeding to the Transport and Environment Committee and City Council to deal with the affected trees; and,
- (f) Incorporation of comments from the Roads Department to deal with various grading matters; and,
- (g) Provision of appropriate securities and agreements for site development in accordance with City Council policy.

b) Next Meeting Date

Alderman D'Amico asked that a portion of next month's Planning and Development Committee meeting be held in the evening to accommodate the Mountainview residents who are interested in attending. The Secretary was directed to poll all Committee Members.

16. ADJOURNMENT

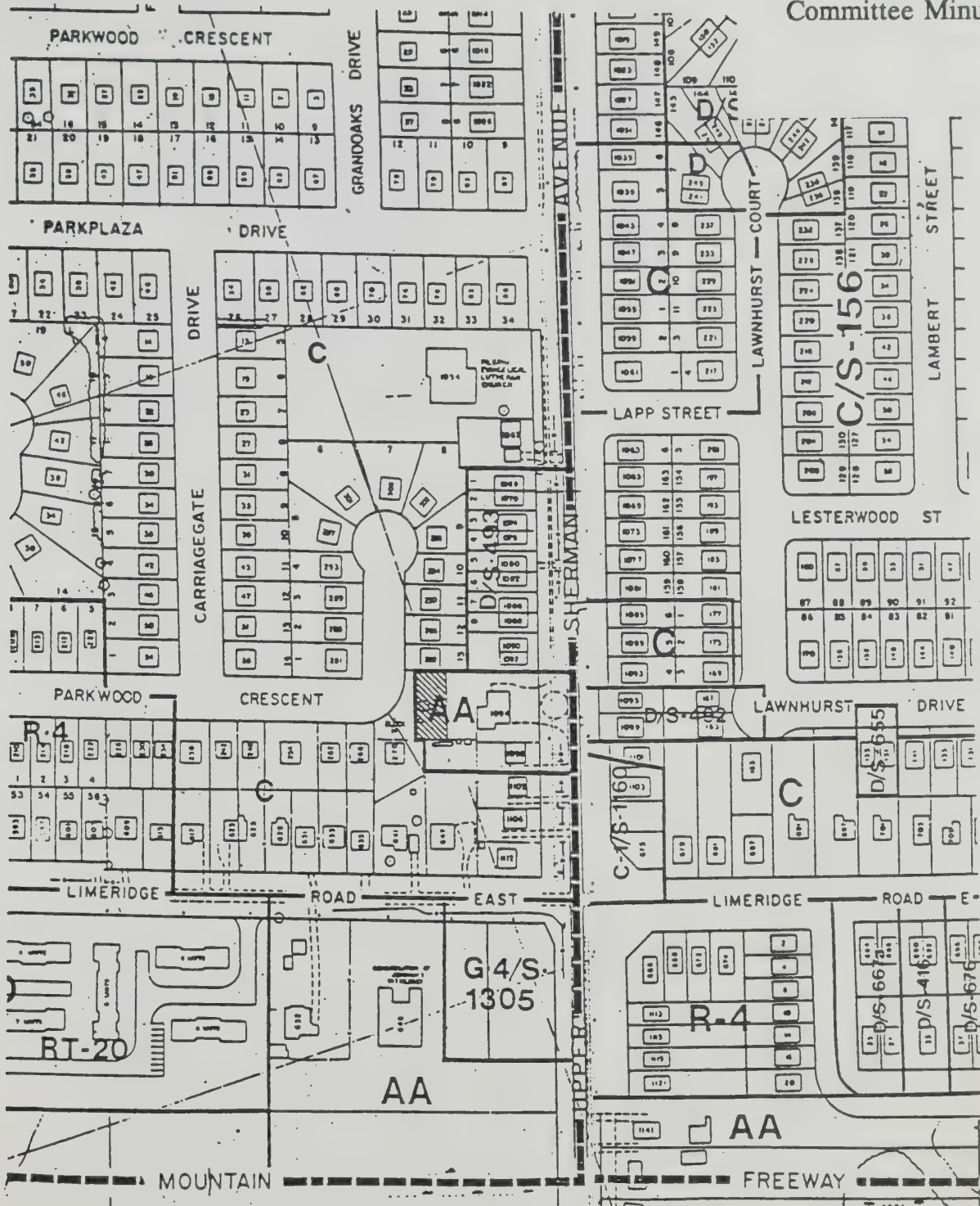
There being no further business, the meeting then adjourned.

Taken as read and approved,

**Alderman Don Drury, Chairperson
Planning and Development Committee**

**Charlene J. Touzel
Acting Secretary**

Appendix "A" referred to in
Section 2 of the 1994 May 25
Planning & Development
Committee Minutes

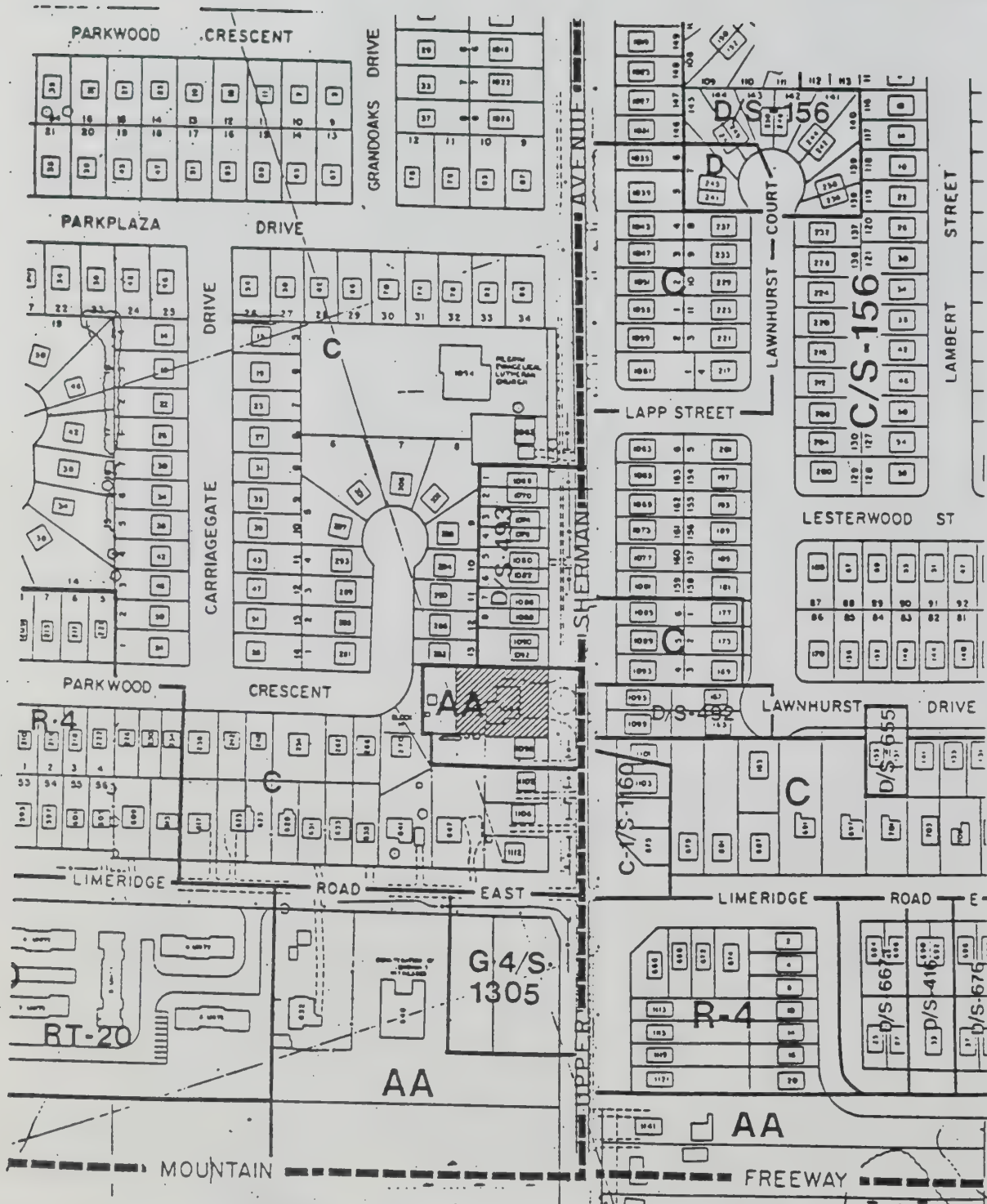


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Site of the Application





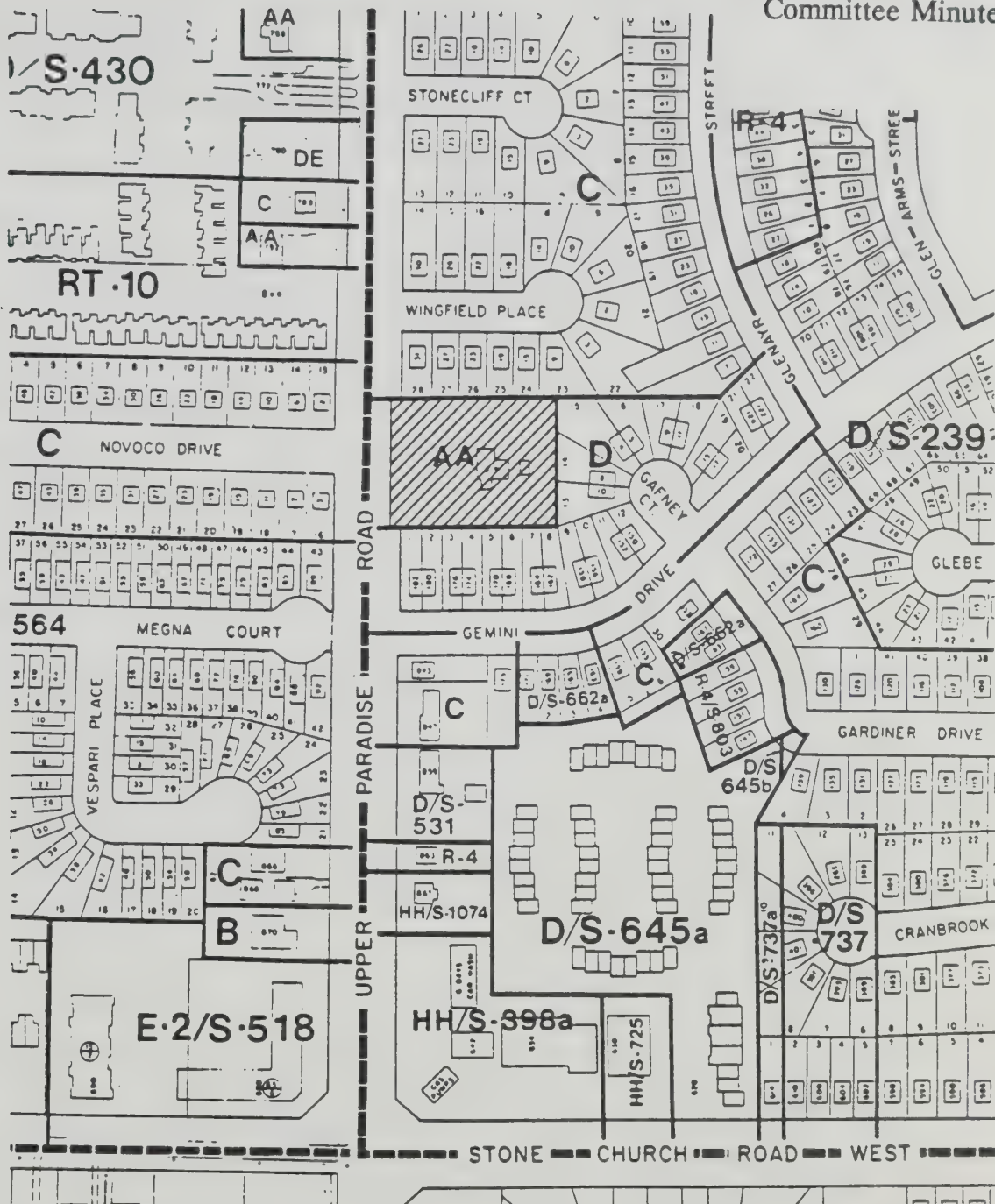
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Site of the Application

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ZAC - 93 - 43

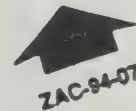
Appendix "C" referred to in
Section 4 of the 1994 May 25
Planning & Development
Committee Minutes



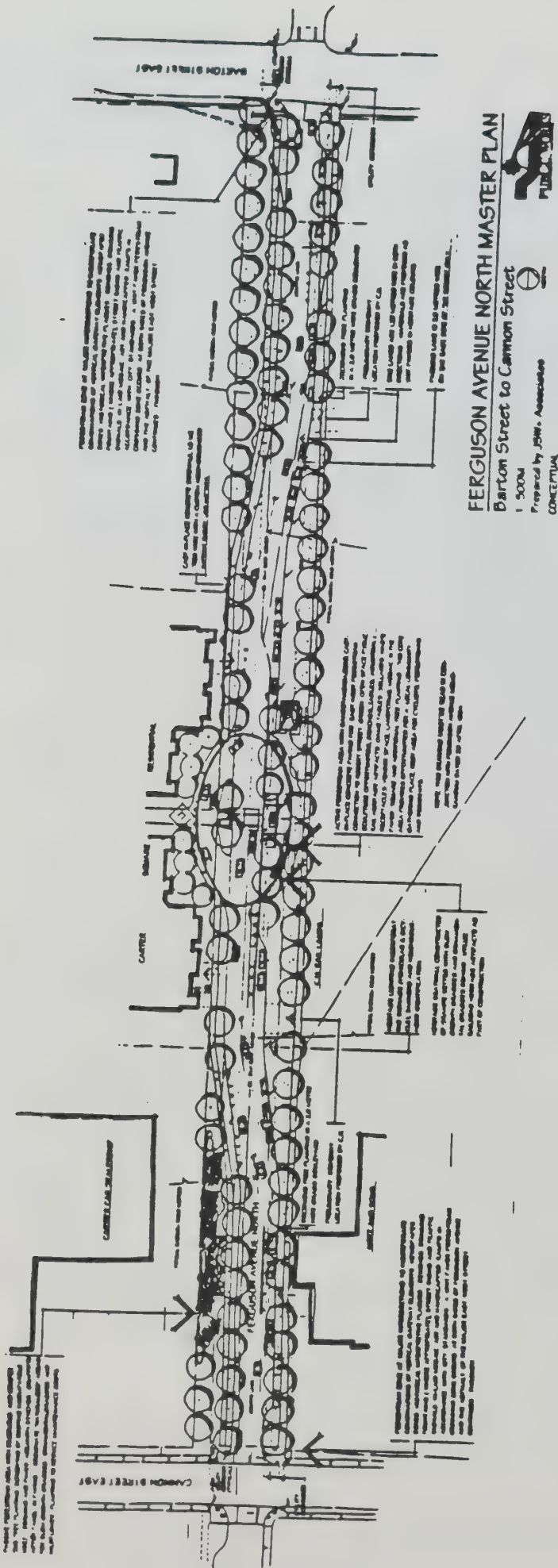
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Site of the Application



Appendix "D" referred to in
Section 10 of the 1994 May 25
Planning & Development
Committee Minutes



REASONS FOR DESIGNATION

St. George's Anglican Church and Parish Hall

10 Tom Street, Hamilton

Context

Built in 1890, St. George's Anglican Church is situated at the north-west corner of Tom Street and Strathcona Avenue North between Victoria Park and Dundum Park. This attractive, unpretentious Gothic Revival church and its adjacent Sunday school/parish hall fit comfortably into the surrounding late 19th/early 20th century residential neighbourhood, with its pleasant mix of modest one-storey frame houses and larger two-storey brick dwellings. The low-rise character of the church setting is interrupted only by the apartment tower to the south-east of St. George's, built on the large site of the former Semmens & Evel Casket Company.

Architecture

Built in the Gothic Revival style, St. George's is typical of the Anglican parish churches erected in the late 19th century to serve Hamilton's expanding neighbourhoods. The characteristic steeply-pitched roof, belfry, buttressed brick facade, and pointed-arched windows of St. George's can also be found in St. Luke's in the north end (1889); St. Mark's (1878) and St. John the Evangelist (1892) in the south end; and St. Matthew's (1887, demolished) and St. Peter's (1892, later rebuilt) in the east end. Although simple and unadorned, this form of the gothic parish church has its roots in the rich tradition of English church architecture.

Credited to Hamilton architect J. H. Young, the church was constructed in 1890 and extended easterly by two bays in 1902, creating a new facade on Strathcona North with corbelled brick decoration and a triple gothic window. The interior sanctuary consists of one, entirely open space, featuring exposed roof trusses, and some fine stained-glass windows. In 1925, the entrance vestibule was added to the front facade. Taken altogether, the pleasing simplicity of design and the balance of proportions make St. George's an architecturally distinguished neighbourhood landmark.

In 1911, the Reverend Frederick E. Howitt, noted both locally and internationally for his work in religious education, undertook the construction next door of a major Sunday School/Parish Hall. Set back from Tom Street, the Sunday School building is a tall, brick structure comparable to the church in height and scale. Its exterior treatment is unusual with elaborate brick corbelling on the gable front and widely spaced Tudor-arched windows; the interior Sunday School layout consists of a large, two-storey open room containing classrooms a

mezzanine on three sides. Although the church schoolhouse was a popular addition in the 1890's, St. George's example is unusually large for the size of the church; as a free-standing church school, it is a relatively rare building type today. Formerly accomodating as many as 900 children, the school stands as a testimony to the value that St. George's parish placed on education.

These two brick buildings, church and school, are situated at right angles to each other around a grassed forecourt. Together, they form an interesting architectural complex which enhances the urban character of the neighbourhood.

History

Opened as St. George's Chapel of Ease, this church was built to service parishioners in the west end of the Parish of All Saints, located at the corner of King and Queen. Only three years later, St. George's became a separate parish, defined as the area westward from Locke and Locomotive (Ray, north of York) Streets to the Ascension (Hamilton) Cemetery and from Main Street to the harbour. By the turn of the century, St. George's Church was an important institution within the thriving West End neighbourhood.

The period of major expansion for St. George's Church and Parish corresponds to the thirty-one year ministry of its third rector, Reverend Frederick E. Howitt, appointed in 1895 and made a canon in 1914. St. George's prominence within Hamilton's Anglican community may be largely attributed to his dedicated and inspirational service. As a gifted preacher and teacher, Canon Howitt attracted large audiences to regular services at St. George's and gave religious instruction to classes throughout the city. Moreover, Howitt's influence extended far beyond the local Anglican community through his work as a missionary and speaker across Canada and the United States.

Another prominent figure in the history of St. George's was its sixth rector, the Reverend Donald H. MacLennan (1941-1966), who made a substantial contribution to the missionary and religious education work begun by Canon Howitt and subsequently associated with St. George's.

Designated Features

Important to the preservation of St. George's Anglican Church are the original features of all four facades of the church, including the brick masonry walls and stone foundation, buttresses, belfry, pointed-arched windows with stone sills, the stained glass windows, doors; the interior sancturay, including the walls, windows, interior roof trusses and original wood panelling; and all four exterior facades of the adjacent Sunday School/Parish Hall, including walls, windows, and the interior open space with its classrooms and mezzanine.

Appendix "F" referred to in
Section 13. C. (b) of the 1994 May
25 Planning & Development
Committee Minutes

Bill No. C-24

The Corporation of the City of Hamilton

BY-LAW NO. 94-

**To Remove
Block 30 of Registered Plan Number 62M-650
from Part Lot Control**

WHEREAS subsection 5 of section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of section 50 of the Planning Act, states, in part, as follows:

- (7) Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or part of parts thereof as is or are designated in the by-law, and, where the by-law is approved by the Minister, subsection (5) ceases to apply to such land, . . .;

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton-Wentworth pursuant to section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of section 50 of the Planning Act, shall not apply to the following lands:

Block 30 of Registered Plan Number 62M-650, in the City of Hamilton, Regional Municipality of Hamilton-Wentworth.
2. (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton-Wentworth.
- (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.

PASSED

this day of

A.D. 1994.

CITY CLERK

MAYOR

This Bylaw is approved pursuant to section 50(7), the Planning Act and section 4, Bylaw R89-171 of The Regional Municipality of Hamilton-Wentworth, this day of 1994.

Commissioner of Planning and Development of
The Regional Municipality of Hamilton-Wentworth

PROPOSED
LAYOUT



OFFICE BUILDING

286 SANFORD AVE. N.

(Lower East Corner of Building. North Side)

Ba)

CITY OF HAMILTON
- RECOMMENDATION -

JUN 14 1994

DATE: 1994 June 14
S701-67 P. Strong
S701-69

REPORT TO: Mrs. T. Agnello, Secretary
Planning and Development Committee

FROM: E. M. Gill, P.Eng.
Senior Director
Roads Department

SUBJECT: "ACADIA ESTATES", Hamilton,
"ARROWHEAD HEIGHTS OF RYMAL - PHASE 1", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

RECOMMENDATION:

That the City of Hamilton accept the sum of \$12,530.00 as a cash payment in lieu of the 5% land dedication in connection with "ACADIA ESTATES, Hamilton, as well as the sum of \$7,750.00 as a cash payment in lieu of the 5% land dedication in connection with "ARROWHEAD HEIGHTS OF RYMAL - PHASE 1", Hamilton, this being the cash payment required under Section 51 of the Planning Act.

The lands of "Acadia Estates" are located west of Upper Sherman Avenue in the Butler Neighbourhood.

The lands of "Arrowhead Heights of Rymal - Phase 1" are located south of Rymal Road in the Chappel East Neighbourhood.



E. M. Gill, P.Eng.

cont'd...

REPORTCT.REG/3/DISC

-Page 2-

DATE:1994 June 14

(Cash Payment in Lieu of 5% Parkland Dedication)

cont'd...

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no financing costs associated with this report.

BACKGROUND:

" ACADIA ESTATES ", Hamilton

The owner of "Acadia Estates", (Carriage Gate Homes Limited) will be executing a Subdivision Agreement with the City of Hamilton in the near future.

In accordance with normal City procedure, City and Regional Staff have completed calculations for the cash payment in lieu of the 5% parkland dedication. The sum to be included in the subdivision agreement has been calculated to be \$12,530.00.

The lands of Acadia Estates are located west of Upper Sherman Avenue, south of Stone Church Road in the Butler Neighbourhood.

" ARROWHEAD HEIGHTS OF RYMAL - PHASE 1 ", Hamilton

The owners of "Arrowhead Heights of Rymal - Phase 1", (F. Toth, A. DiFranco and A. Cocca) will be executing a Subdivision Agreement with the City of Hamilton in the near future.

In accordance with normal City procedure, City and Regional Staff have completed calculations for the cash payment in lieu of the 5% parkland dedication. The sum to be included in the subdivision agreement has been calculated to be \$7,750.00.

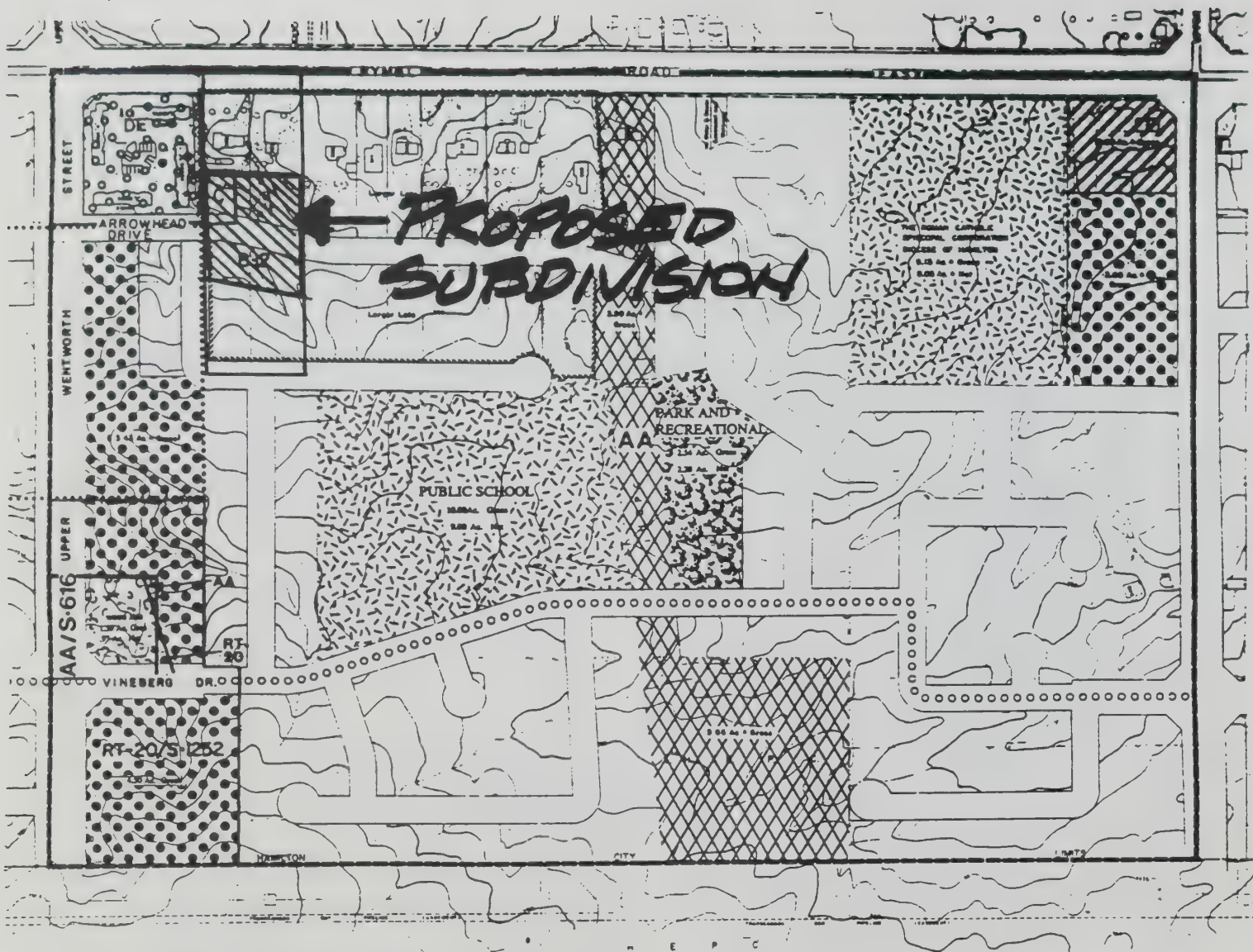
The lands of Arrowhead Heights of Rymal - Phase 1 are located east of Upper Wentworth Street, south of Rymal Road East in the Chapel West Neighbourhood.

ps/encl.

cc: D. Cobb, City Treasury

cc: R. Buckle, City Real Estate Department

REPORTS/P&D/37/DISC



KEY PLAN FOR
ARROWHEAD
HEIGHTS OF
RYMAL

LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

COMMERCIAL

INDUSTRIAL

CIVIC & INSTITUTIONAL

PARK & RECREATIONAL

OPEN SPACE

UTILITIES

single & double

attached housing

low density apartments

medium density apartments

high density apartments

commercial & apartments

--- Neighbourhood Boundary

— Zoning Boundary

Approvals

Planning Committee NOV. 1, 1988 Council NOV. 4, 1988

Latest Revision Date NOV. 29, 1988

CITY OF HAMILTON
PLANNING DEPARTMENT

CHAPPEL EAST

APPROVED PLAN

NORTH

SCALE 0 m 100 m

23

Bb)

CITY OF HAMILTON
- RECOMMENDATION -

JUN 10 1994

DATE: 1994 June 9
S703-87, M.J. Inrig

REPORT TO: T. Agnello, Secretary
Planning and Development Committee


FROM: Mr. E. M. Gill, P.Eng.
Senior Director
Roads Department

SUBJECT: "Claudette Gardens - Phase 6", Hamilton
(Cash in Lieu of 5% Parkland Dedication)

RECOMMENDATION:

- a) That the City of Hamilton accept the sum of \$ 3,400.00 as cash payment in lieu of the 5% land dedication in connection with "Claudette Gardens - Phase 6", Hamilton, this being the cash payment required under Section 51 of the Planning Act.

The lands of "Claudette Gardens - Phase 6" are located west of Garth Street and north of Rymal Road West in the Falkirk East Planning Neighbourhood.



E.M. Gill, P.Eng

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no financial costs to the City associated with this report.

BACKGROUND:

The Owner of "Claudette Gardens - Phase 6" (800064 Ontario Inc.) will be executing a subdivision agreement with the City of Hamilton in the near future. A copy of the final plan has been attached for your information.

Cont'd.....

-Page 2-
1994 June 9

**"Claudette Gardens - Phase 6", Hamilton
(Cash in Lieu of 5% Parkland Dedication)**

Cont'd.....

In accordance with normal City policy, City and Regional staff have completed calculations for the 5% cash payment in lieu of parkland dedication. The amount to be included in the City's Subdivision Agreement is \$ 3,400.00.

M MJI

cc: D. Cobb, City Treasury Department
cc: R. Buckle, City Property Department

Cai)

CITY OF HAMILTON
- RECOMMENDATION -

JUN 14 1994

DATE: 1994 June 13

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
131 FOREST AVENUE - Tag Number 91932
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 131 FOREST AVENUE.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: E-3 (Multiple Dwellings)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Low Rental Housing

BRIEF DESCRIPTION: 2 storey brick veneer dwelling

The proposed use on the submitted application is Low Rental Housing for this land. However, the Housing Division of this Department nor the Planning Department can confirm this proposal. The house was of interest to LACAC, however, we have been notified that the building is no longer considered worthy of designation and LACAC is not objecting to the demolition. Lot size 32.8' x 132'.

The owner of the property as per the demolition permit is:

Community Network
403 King Street West
Hamilton, Ontario

EB/zr

Ca ii)

JUN 14 1994

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 June 13

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
137 FOREST AVENUE - Tag Number 91933
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 137 FOREST AVENUE.


FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: E-3

PRESENT USE: Single Family Dwelling

PROPOSED USE: Low Rental Housing

BRIEF DESCRIPTION: 2 storey wood frame dwelling

The proposed use on the submitted application is Low Rental Housing for this land. However, the Housing Division of this Department nor the Planning Department can confirm this proposal. The house was of interest to LACAC, however, we have been notified that the building is no longer considered worthy of designation and LACAC is not objecting to the demolition. Lot size 32.8' x 132'.

The owner of the property as per the demolition permit is:

Community Network
403 King Street West
Hamilton, Ontario


EB/zr

Ca'iii)

CITY OF HAMILTON

JUN 14 1994

- RECOMMENDATION -

DATE: 1994 June 13

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
404 BEACH BOULEVARD - Tag Number 92077
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 404 BEACH BOULEVARD.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C Residential

PRESENT USE: Single Family Dwelling

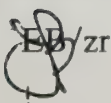
PROPOSED USE: Vacant Land

BRIEF DESCRIPTION: 1½ storey wood frame house

Owner wishes to demolish the house which is in very poor condition. No LACAC interest.
Lot size 30' x 317.25'.

The owner of the property as per the demolition permit is:

Ms. F. Paradisi
765 Beach Boulevard
Hamilton, Ontario

EB/zr


Caiv)

CITY OF HAMILTON
- RECOMMENDATION -

JUN 14 1994

DATE: 1994 June 13

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
47 LIMERIDGE ROAD EAST
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 47 LIMERIDGE ROAD EAST.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C Residential

PRESENT USE: Single Family Dwelling

PROPOSED USE: Freeway

BRIEF DESCRIPTION: 1½ storey concrete block house

Owner wishes to demolish the house as it is in the Red Hill Creek Freeway area. No LACAC interest. Lot size 50' x 150'.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth

BB/zr

Cav)

CITY OF HAMILTON
- RECOMMENDATION -

JUN 14 1994

DATE: 1994 June 13

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
161 NIAGARA STREET - Tag Number 92173
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 161 NIAGARA STREET.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: K Heavy Industrial

PRESENT USE: Two Family Dwelling


PROPOSED USE: Parking Lot

BRIEF DESCRIPTION: 1½ storey frame house

Owner wishes to demolish house to create additional parking spaces for the company. The house is in fair to poor condition. No LACAC interest. Lot size 30' x 132'.

The owner of the property as per the demolition permit is:

Union Boiler Co.
163 Niagara Street
Hamilton, Ontario

 EB/zr

Cavi

CITY OF HAMILTON
- RECOMMENDATION -

JUN 14 1994

DATE: 1994 June 13

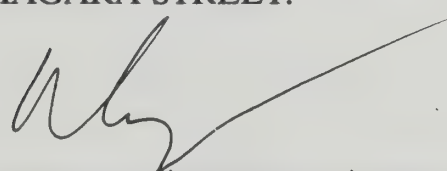
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
169 NIAGARA STREET - Tag Number 92106
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 169 NIAGARA STREET.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: K Heavy Industrial

PRESENT USE: Single Family Dwelling

PROPOSED USE: Parking Lot

BRIEF DESCRIPTION: 2 storey frame dwelling

Owner wishes to demolish the house to extend the company parking lot. No LACAC interest. Lot size 31' x 132'.

The owner of the property as per the demolition permit is:

Anna Vecuie
66 Highland Park Drive
Dundas, Ontario

EB/zr



Cavii)

CITY OF HAMILTON

- RECOMMENDATION -

JUN 14 1994

DATE: 1994 June 13

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
171 NIAGARA STREET - Tag Number 92107
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 171 NIAGARA STREET.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: K Heavy Industrial

PRESENT USE: Single Family Dwelling


PROPOSED USE: Parking Lot

BRIEF DESCRIPTION: 2 storey frame dwelling

Owner wishes to demolish the house to extend the company parking lot. No LACAC interest. Lot size 22' x 132'.

The owner of the property as per the demolition permit is:

Anna Vecuie
66 Highland Park Drive
Dundas, Ontario

EB/zr


Cbi)

CITY OF HAMILTON
- RECOMMENDATION -

JUN 14 1994

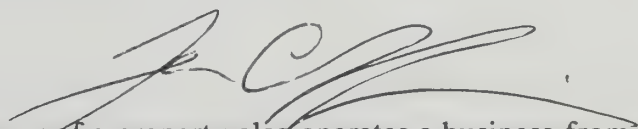
DATE: 1994 June 6

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Commercial Loan Programme
Business Improvement Areas (94.2.4.2.1.A)

RECOMMENDATION:


That in situations where the owner of a property also operates a business from the same address that the maximum commercial loan of \$25,000. be permitted regardless of the breakdown between exterior and interior work.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Building Department, in December 1992, expanded the Facade Loan Programme to provide financial incentives to owners of businesses in leased properties for interior modifications. At that time, \$15,000. was provided for exterior modifications and the maximum for interior work was established at \$10,000. The funding was available to every business owner located in a B.I.A. The name of the Programme was changed to Commercial Loan Programme to reflect the new guidelines.

We have encountered an administrative problem with regard to owners of property who also operate a business within the building they own. This is one of separating the interior work from the exterior and at the same time addressing the needs of the owner/operator. The Department, in order to avoid this problem, is recommending that the guidelines in these cases be amended to include a maximum loan of \$25,000., regardless of the breakdown of interior versus exterior. This recommendation does not change the maximum loan amount, only permits greater flexibility for both the owner and the Department. In cases where the owner of the business does not own the property, the maximum loan will remain at \$10,000.

LCK/JHR/dc

Cbii)

CITY OF HAMILTON

- RECOMMENDATION -

JUN 14 1994

DATE: 1994 June 9

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Commercial Loan Programme
Security (94.2.4.2.1.A)

RECOMMENDATION:

That in the event the owner of a business within a B.I.A. does not own the building, a loan of less than \$5,000. will be secured by a Promissory Note, and for loans greater than \$5,000., a collateral mortgage will be obtained on other real property owned by the tenant.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Building Department received approval from the Planning and Development Committee and City Council to implement a Commercial Loan Programme for businesses located in B.I.A.'s. The maximum loan amount for tenant improvements was established at \$10,000. which was in addition to exterior modifications. It was proposed that these loans would be secured by a lien registered on title. In cases where the owner of the business did not own the building, it was proposed that a lien would be registered on other real property owned by the business person.

We have been advised by the City's Law Department that liens on other properties are not viable as the law requires that liens are only enforceable on properties which the work was done. The Law Department advised that the only means of security in these cases would be a collateral mortgage. They also advised this would require the owner to provide the

documentation and registration through the owner's lawyer. This would obviously result in costs to the applicant. In cases where liens are used as security the documentation and registration is done by the City.

In order to reduce both the owner's and City costs it is recommended that in cases where the business tenant does not own the property that the loans, of \$5,000. or less, be secured by a promissory note. On loans of over \$5,000., a collateral mortgage for the maximum loan amount will be obtained on other real property owned by the tenant. The Department, by registering the maximum amount, will allow the tenant to top up their loan without going back to re-register the new amount. This follows standard loan procedures in the private market. It is acknowledged that there are some risks, but it is believed the costs which will be saved warrant the change in policy. We understand that the costs to the applicant to prepare and register a collateral loan can be as high as \$300 - \$500. If problems arise with the new procedure further recommendations will be made to the Planning and Development Committee and City Council.

It is also proposed that loans of more than \$2,000. will be screened thoroughly with the Department looking for signed leases, as well as some business stability including operational for at least six months, and if obtainable an audited statement. The policy on loans of less than \$2,000. will remain unchanged in order to provide some assistance to new high risk applicants.

The Department will continue to provide recommendations on each commercial loan application, regardless of the amount, to both the Planning and Development Committee and City Council.

c.c. P. Noé Johnson, City Solicitor

LCK/JHR/dc

Cb iii)

CITY OF HAMILTON

JUN 14 1994

- RECOMMENDATION -

DATE: 1994 June 8

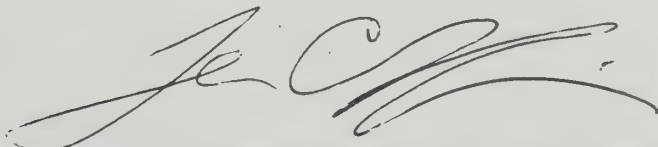
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng
Building Commissioner

SUBJECT: Commercial Loan Programme
987 King Street West (94.2.4.2.1.A)

RECOMMENDATION:

That a Commercial Loan in the amount of ten thousand dollars (\$10,000.) be approved for Luba Mera a Division of 603667 Ontario Inc for improvements at 987 King Street West. The interest rate will be 3 3/8 per cent amortized over ten years and will be secured by a collateral mortgage on the property at 127 Rembrandt Court, Ancaster.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The tenant at 987 King Street West has applied for assistance under the City of Hamilton's Commercial Loan Programme. As per the terms of the Programme, the Building Department has inspected the property under Property Standards By-law 74-74, and the property meets all requirements.

The Building Department, therefore, recommends the approval of a Commercial Loan to Luba Mera a Division of 603667 Ontario Inc., for improvements to 987 King Street West in the amount of \$10,000. The loan will be amortized over a ten year period at 3 3/8 per cent interest. The monthly payments will be \$98.19 and will be secured by a Promissory Note and a collateral mortgage on the owner's residential property at 137 Rembrandt Court, Ancaster.

LCK/JHR/dc

c.c. R. Camani, Treasury Department
D. Powers, Law Department

Cbiv)

CITY OF HAMILTON

JUN 14 1994

- RECOMMENDATION -

DATE: 1994 June 6

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Commercial Loan Programme Increase
210 Ottawa Street North (94.2.4.2.1.A)

RECOMMENDATION:

That a loan increase of \$10,123. be approved for Mr. D. Kwiatkowski, 210 Ottawa Street North, under the Commercial Loan Programme. The total loan is now \$21,864.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

City Council at their meeting held 1993 December 14 approved a loan application under the subject programme in the amount of \$11,741. The owner has determined that he wishes to replace the floor in the commercial area. The Building Department, Loans Division, therefore recommends increasing the owner's application to a maximum loan of \$21,864. The loan increase is to be amortized over 10 years at 3 3/8 per cent interest with a combined monthly payment of \$212.10.

LCK/JHR/dc

c.c. R. Camani, Treasury Department
D. Powers, Law Department

Cci)

CITY OF HAMILTON

JUN 14 1994

- RECOMMENDATION -

DATE: 1994 June 6

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Hamilton Emergency Loan Programme
(H.E.L.P.) (94.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, one hundred and ninety-eight dollars (\$1,198.) be approved for Ilona Kelemen, 244 Lawnhurst Court, Hamilton. The interest rate will be 8 per cent amortized over 5 years.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of \$2,000. could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing, or accessibility. The application would be processed within forty-eight (48) hours and would be secured initially be a promissory note and later by a lien registered on title. Formal approval would be obtained upon completion.

The Building Department, Loans Division, recently finalized an Emergency Loan for Ilona Kelemen, 244 Lawnhurst Court in the amount of \$1,198. The roof has been repaired, and the Department recommends approval and authorization to request the Law Department to register a lien on title in the amount of \$1,198. at 8% interest and amortized over five (5) years.

LCK/JHR/dc

c.c. R. Camani, Treasury
D. Powers, Law Department

Ccii)

**CITY OF HAMILTON
- RECOMMENDATION -**

DATE: May 18, 1994

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: HAMILTON EMERGENCY LOAN PROGRAMME
(H.E.L.P.) (94.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, three hundred and eighty dollars (\$1,380) be approved for Mr. and Mrs. Lamb, 169 Brentwood Drive, Hamilton. The interest rate will be 8 per cent amortized over 5 years.



L.C. King, P.Eng.
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of \$2,000 could be approved providing the emergency repair fell under one of the following five (5) categories: heating, electrical, plumbing, roofing, or accessibility. The application would be processed within forty-eight (48) hours and would be secured initially by a Promissory Note and later by a Lien registered on Title. Formal approval would be obtained upon completion.

The Building Department, Loans Division, recently finalized a Emergency Loan for Mr. and Mrs. Lamb, 169 Brentwood Drive in the amount of \$1,380. The front door has been repaired, and the Department recommends approval in the amount of \$1,380 at 8% interest and amortized over five (5) years.

c.c. R. Camani, Treasury

Da)

CITY OF HAMILTON

- RECOMMENDATION -

JUN 15 1994

DATE: 1994 June 14
(OP-5YRR)

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

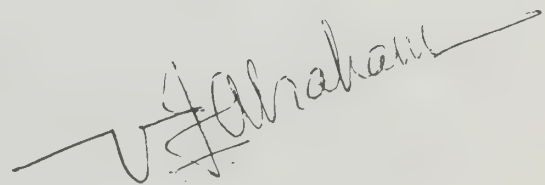
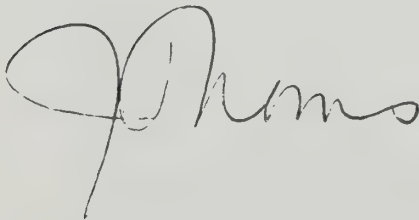
FROM: Mr. J. D. Thoms,
Commissioner of Planning and Development

Mr. V.J. Abraham
Director of Local Planning

SUBJECT: Five Year Review of the City of Hamilton Official Plan

RECOMMENDATION:

That in accordance with Section 26(1) of the Planning Act, the Planning and Development Department staff be directed to arrange for a Public Meeting, to obtain public input on the need for a review of the City of Hamilton Official Plan.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The City of Hamilton Official Plan was approved by the Minister of Municipal Affairs and Housing on June 17, 1982. The broader policy context affecting land use planning has changed markedly since that time, as evidenced by a growing environmental awareness and a heightened concern for community economic growth and employment opportunities.

Since 1982, there have been five "housekeeping amendments" and 120 site specific and general text amendments to the Official Plan. These housekeeping amendments have kept the Plan updated by introducing new policy directives (i.e 1983 Planning Act, Community Improvement Policies, etc.); incorporating minor wording changes; and, amendments to the schedules to reflect changing land uses, environmentally sensitive areas, etc. At the present time, the Department is preparing a fifth housekeeping amendment which will be subject to a Public Meeting during the summer.

In addition, the Region has completed the review of their Official Plan and has identified actions to be undertaken by the municipality. These actions are required to be included in local Plans.

Section 26 of the Planning Act requires the municipality to hold a special public meeting to determine the need for an Official Plan Review. Public input is a vital component of successful land use planning and it is appropriate to hold a special public meeting. The meeting should be scheduled for the Fall, as a part of the regularly scheduled Planning and Development Committee meeting.

KE/JHE:ke/jhe

D b)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: June 9, 1994
(TC-CAP(F))

JUN 15 1994

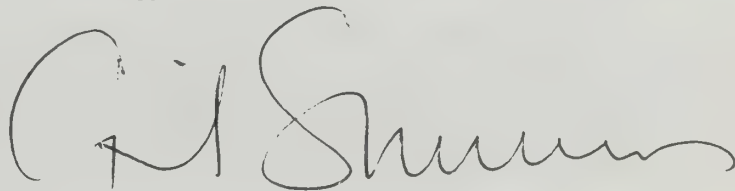
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Gil Simmons, Chairperson
Advisory Committee on GO Transit

SUBJECT: Public Participation Guidelines for Train Storage Yards
- As Prepared by the Advisory Committee on GO Transit

RECOMMENDATIONS:

- A) That GO Transit, and the Minister of Environment and Energy, be provided with the attached Proposed Public Participation Guidelines for Train Storage Yards, prepared by the Advisory Committee on GO Transit, as contained in Appendix "A";
- B) That the City Clerk be directed to forward a copy of this report to GO Transit, and the Minister of Environment and Energy.



**Gil Simmons, Chairperson,
Advisory Committee on GO Transit**

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Advisory Committee on GO Transit is a subcommittee of the Planning and Development Committee, which was established in 1992 to facilitate involvement of citizen groups and other advisory committees in the Hamilton GO Transit project. The Committee has been involved in commenting on aspects of the GO Station, the train storage yard, and improvements to the CP Rail right-of-way. It includes members of neighbourhood associations from Stinson, Kirkendall, Durand and other areas, as well as the Central Area Plan Implementation Committee, and other groups.

During the Committee's review of recommendations for the train storage yard, which was originally proposed for the Victoria Avenue yard, south of Alanson St., a number of concerns were raised about the impact of the yard on the surrounding residential area. These included noise, visual intrusion, air pollution, safety, shadows, and other issues.

Due in part to such concerns, it was decided by the M.O.E.E. and GO Transit in late 1993 that alternative sites should be considered for this yard. At present, the study of alternative sites is being held in abeyance, pending agreement being reached on the noise protocol approach to be used. This may be resolved by approximately October, 1994, and then the review of alternative sites can begin, for which no time frame has yet been established. GO Transit has not yet stated which sites are to be included in the study.

It was felt by the Advisory Committee that there could have been improvements to the process by which the proposed storage yard was selected and evaluated. Earlier and more extensive and complete public notification, it was felt, would have enabled identification of impacts earlier in the study, and would have facilitated the overall site selection process.

As a result, the Advisory Committee on GO Transit has prepared the public participation guidelines which are attached as Appendix "A". These have not been solicited by GO Transit, but it was felt that, having gone through this study process once, such constructive comments might be useful to improving the process for the next time.

The Advisory Committee on GO Transit has been developing these guidelines over the past several meetings in 1994. The Committee met most recently on April 21, 1994, to discuss the GO Transit project, and the public participation process for the associated train storage yard. They endorsed the proposed guidelines, as contained in Appendix "A", and requested that they be forwarded to GO Transit and the MOEE.

These guidelines are separate from comments recently forwarded by the Advisory Committee regarding GO Transit's Class Environmental Assessment Document, November 1992, contained in a report to Planning and Development Committee dated March 16, 1994. This document was prepared to identify the process for the evaluation of various commuter rail and bus facilities.

CONCLUSIONS:

The Public Participation Guidelines for Train Storage Yards, prepared by the Advisory Committee on GO Transit, contained in Appendix "A", are to be forwarded to GO Transit and the M.O.E.E.

VG:vg
GO-JUN94.P&D

APPENDIX "A"

ADVISORY COMMITTEE ON GO TRANSIT

PROPOSED PUBLIC PARTICIPATION GUIDELINES - FOR TRAIN STORAGE YARDS

Overall Study Goals and Objectives

A Train Storage Yard Should be Selected Which:

- Meets the operational needs of GO Transit and any other affected railways;
- Is optimal in terms of all environmental factors, including social, economic, physical environment, health, etc.;
- Produces minimal impacts on adjacent residents, in terms of their day-to-day quality of life, especially for residents who live in the immediate vicinity; and,
- Is chosen with full awareness, participation and input by all affected residents and citizens, throughout the entire selection process.

Public Participation Components

- All aspects of the identification, analysis and selection of site(s) for the train storage yard should be carried out with full awareness by, and input from, the following parties:
 - City Council;
 - affected municipal departments within the City;
 - residents and property owners within 300 metres of the perimeter of the proposed yard;
 - affected advisory committees and public interest groups; and,
 - the general public.
- The Planning and Development Department should, together with GO Transit, undertake a public participation process. The Department could assist in the notification of municipal departments, residents and others, if so requested by GO Transit.

General Principles

- attainment of full and meaningful public participation should be a goal;
- provision of information to residents as early in the process as possible, as well as throughout the study and at the end, regarding all proposals and options under consideration, including why actions are proposed and taken, and why decisions made;
- evaluation of yards should not be done on the basis of noise impacts alone, but rather should take into account the full range of possible impacts previously identified by the Advisory Committee on GO Transit and the City of Hamilton, which include safety, effects on property values, air pollution, vibration, loss of Escarpment views, shadows (loss of sunlight), incompatibility with neighbourhood character, and other issues as detailed in reports to the Planning and Development Committee and City Council.

Establishment of Goals and Objectives

- development of a set of criteria by which sites are to be evaluated, which will address the full range of possible environmental impacts;

- notification of all affected parties at all steps of relevant studies, namely site identification, evaluation and site selection, via direct first class mail for those most affected, (namely those residents and property owners within 300 metres of the proposed yard), by means of a full explanatory letter and appropriate map(s); and,
- public discussion and receipt of public comments by means of the holding of public meetings at these key study stages, to be held in the affected neighbourhoods, during the evening. Public meetings are preferable to public information centres, due to the greater sharing of information among all parties.

Identification of Alternative Sites

- inclusion of all possible alternate sites which can be identified; and,
- early notification by GO Transit to residents, general public and municipal staff regarding the location and all ramifications of all alternative sites, including specific identification of issues and possible concerns, such as location, height and number of trains, noise levels, etc. (as much as is available).

Evaluation of Alternative Sites

- utilization of the most recent Environmental Assessment procedures to ensure a thorough evaluation of alternate sites;
- inclusion of sites with compatible land use types adjacent to the yard;
- addressing in writing comments made by residents throughout the consultative decision-making process;
- preparation and use of a weighting system for criteria to ensure that most critical factors are given the greatest consideration;
- availability to residents of resources and expertise of municipal staff during evaluation process, such as noise experts; and,
- noise analysis of potential sites would be undertaken by GO Transit and/or the M.O.E., in accordance with the provisions of appropriate governments, and subject to review by the City of Hamilton Noise Control Officer, or equivalent municipal staff, with input from citizens.

Development of Recommendations re Site

- inclusion of comment sheets from residents in final report and recommendations, addressing those concerns noted.

Revised as of April 22, 1994

CITY OF HAMILTON
- RECOMMENDATION -

Dec)

JUN 15 1994

DATE: 1994 June 13
DA94-11 (DA-93-22) (ZA-92-35)
Southam Neighbourhood

REPORT TO: Tina Agnello, Secretary
of the Planning and Development Committee

FROM: J. D. Thoms
Commissioner of Planning and Development

V. J. Abraham
Director of Local Planning

SUBJECT: Site Plan Control Application DA-94-11 for a parking lot at
9 Brantdale Avenue

RECOMMENDATION:

That approval be given to Site Plan Control Application DA-94-11 by Peter Esposto, owner of lands known as 9 Brantdale Avenue to amend the approved plans of Site Plan Control Application DA93-22 to modify the layout and access driveway for a public parking lot subject to the following:

- i) modification to plans in relation to notes, dimensions, paving, grades, fencing and landscaping as marked in red on the plan;
- ii) provision of a note on the plans that the parking area is to be paved to the satisfaction of the Building Department; and,
- iii) provision of appropriate agreement and securities for site development in accordance with City Council policy adopted at its meeting of May 11, 1993;

and further:

That in regard to Zoning Application ZA-92-35, the following resolution be forwarded to City Council for approval;

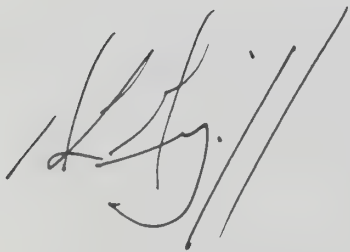
That Item 14(b)(i) of the Eighteenth Report of the Planning and Development Department to City Council on 1992 October 27, respecting Zoning Application ZA-92-35 by Peter Esposto, for lands at 9 Brantdale Avenue, be amended as follows:

- i) amend Item 14(b)(i) by deleting it in its entirety and replacing it with the following:

- "(i) That notwithstanding Section 13C(4)(i) of Zoning By-law No. 6593, a landscape planting strip having a minimum width of 3.0 m shall be provided and maintained along the street line (northerly property line), except for any area used for vehicular access."

Explanatory Note:

By-law No. 93-261, which established new regulations for the "G-3" (Public Parking Lots) District, was passed by Council on December 14, 1993. The variance to require a landscape strip and visual barrier along the westerly property line is no longer necessary, since this is now a requirement introduced by By-law No. 93-261. In addition, in order to accommodate the revised parking layout and to permit surveillance of the parking area from the street, the previously required visual barrier along the northerly property line should be deleted.



Victor Abraham
FOR VICTOR ABRAHAM

BACKGROUND:

Plans have been submitted for developing a public parking lot at 9 Brantdale Avenue. The originally approved plans of DA93-22 provided for a total of 19 parking spaces with a required easement and joint access on the easterly limits of the land. Since the easement and joint access could not be provided, the layout and access for the parking lot has been modified and resubmitted for approval. The new layout provides for a total of 20 spaces with access in the middle of the site from Brantdale Avenue. In order to permit street surveillance of the parking area from the street, only low plantings are proposed instead of the draft by-law requirement of a visual barrier.

COMMENTS RECEIVED:

- The Roads Department has in the attached comments requested additional information pertaining to fencing, minor grading changes, plant location and heights.
- The Building Department has advised the following:
 - "1. Hard Surface does not include gravel.
 2. ZA 92-35 requires a 1.2m to 2.0m high visual barrier to be erected within the planting strip on the north property line which is not shown".

- The Traffic Department has advised that the parking layout and access are satisfactory and that an application for a Driveway Approach Permit is required through the Traffic Department.

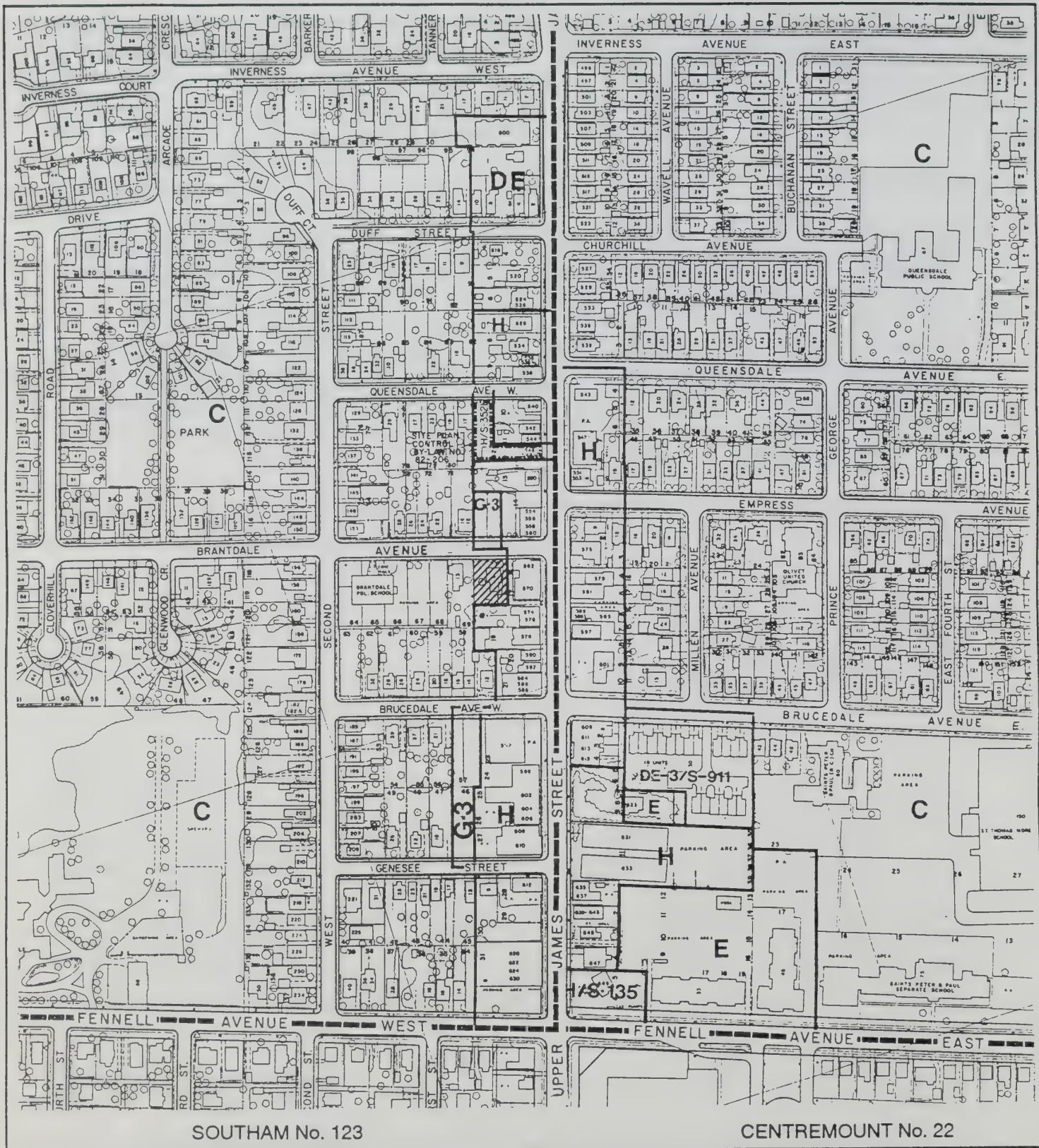
COMMENTS:

Various modifications are requested to the plans to notes, dimensions, grades, fencing and landscaping and have been marked in red on the plans. The plan should also indicate paving of the parking and manoeuvring area.

The submitted plan has provided low plantings and street trees adjacent to Brantdale Avenue instead of the required visual barrier. In order to provide street surveillance of the parking area for safety purposes, the deletion of the required visual barrier adjacent to the street can be supported. The Council resolution of October 27, 1992 should therefore be amended to delete the fence along the northerly property line.

It should be noted that the condition of approval of Zoning Application ZA-92-35 included that the amending By-law not be passed by City Council until a site plan has been approved.

jps/da94-11.R



City of Hamilton
Plan Showing
Lands Subject to
Site Plan Control
Application DA-93-22

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Site of the Application

North

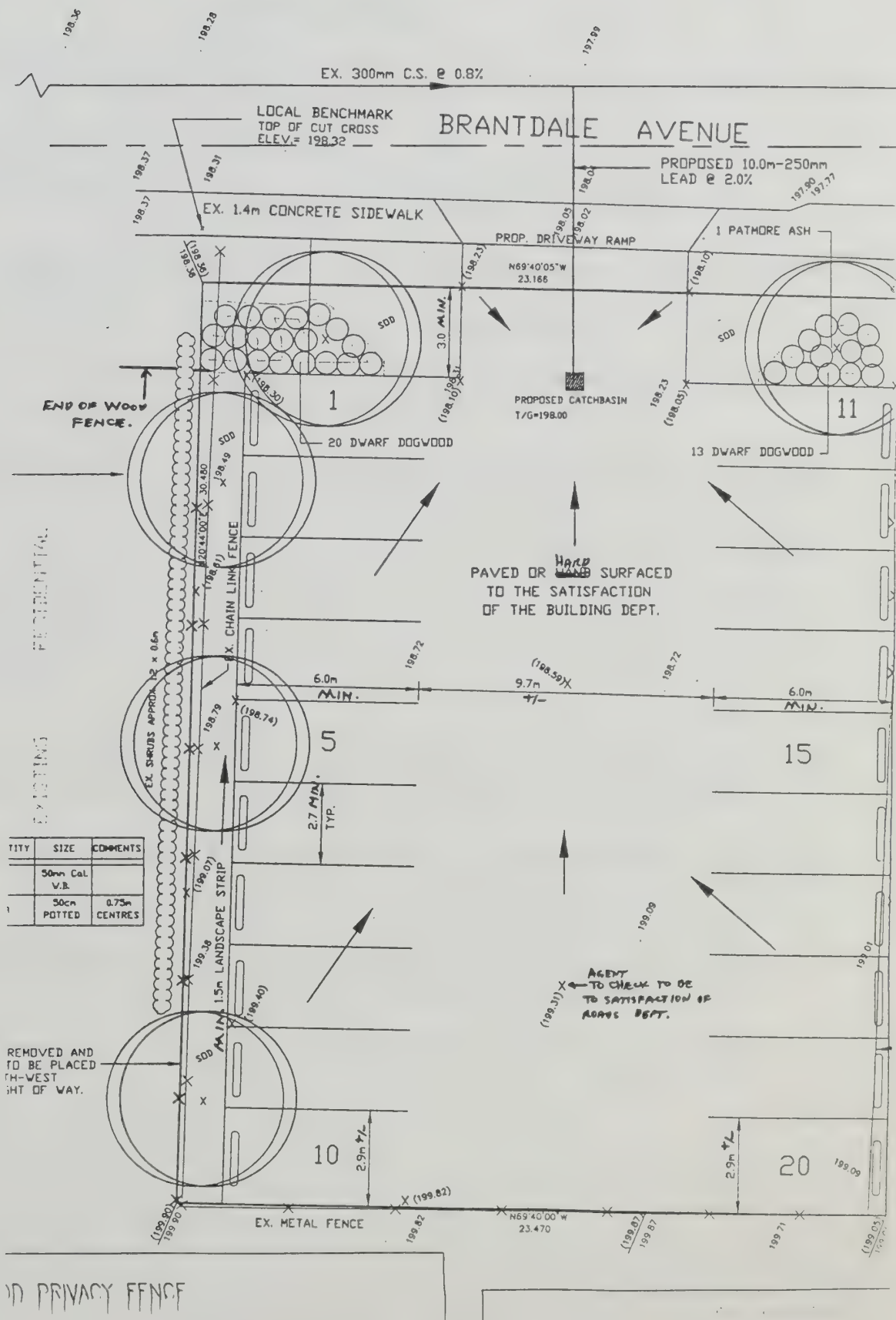


Scale
NOT TO SCALE

Date
AUGUST 1993

Reference File No.
DA-93-22

Drawn By
Z.K.



TITY	SIZE	COMMENTS
50mm Cal.		
V.B.		
30cm		
POTTED		
	0.75m	CENTRES

ROADS DEPARTMENT

MEMORANDUM

TO: J. Sakala
Senior Landscape Architect
Planning and Development Department

YOUR FILE: DA-94-11

FROM: E. P. Chajka, P. Eng.
Manager of Development
Roads Department

OUR FILE: E220-1903
PHONE: (416) 546-2809

SUBJECT: Site Plan Control Application DA-94-11
(Formerly DA-93-22), 9 Brantdale Avenue

DATE: 1994 May 27

The site plan submitted with your letter dated May 5, 1994 will be approved when the following revisions have been dealt with.

Grading and Drainage Comments

1. The plan must be signed and dated by the Landscape Architect that has stamped the plan.
2. On the key map, Upper James Road should be corrected to read Upper James Street.
3. In the "Grading Notes" item #1, please change Commissioner of Regional Engineering to Commissioner of Transportation/Environmental Services.
4. The Geodetic Benchmark number, location and description must be put on the plan.
5. Please recheck the proposed elevation (199.31) in the centre of the parking lot in the vicinity of the south end of the lot. It is higher than the proposed southeast corner elevation of the parking lot.
6. Please revise the date in the title block to reflect the new submission being May 5, 1994.

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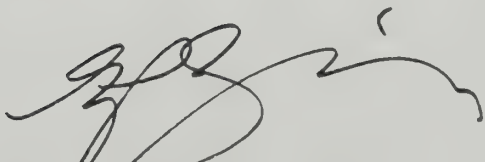
-page 2-
May 27, 1994

**Site Plan Control Application DA-94-11
(Formerly DA-93-22), 9 Brantdale Avenue**

cont'd...

Transportation Comments

1. The existing road allowance width of Brantdale Avenue is 15.24m, which is the minimum width for City of Hamilton road allowances. Therefore we do not anticipate any further road allowance widenings at this time.
2. The proposed board fence on the east and west property lines must be set back a minimum of 3.0m from the Brantdale Avenue road allowance.
3. In our previous comments on Zoning Application 92-35 we stated that the access to the subject lands should be located at the westerly end of the property due to a vertical crest curve on Brantdale Avenue. Although this would be the ideal location, the Traffic Department has advised that the proposed access is acceptable. All landscaping and grading on private property within 0.50m of the Brantdale Avenue road allowance should not exceed the existing perpendicular centreline elevation of Brantdale Avenue. This is required to ensure that motorist visibility from the access looking west is not obstructed by the vegetation etc.
4. All trees should be set back sufficient distance from the road allowance to ensure that the root systems are not affected by any future works which may occur within the road allowance.
5. We require 5m by 5m daylight triangles between the access and the streetline in which the maximum height of any objects or mature vegetation should not exceed a height of 0.60m above the perpendicular centreline elevation of Brantdale Ave.
6. We understand that the chain link fence which encroaches into the Brantdale Avenue road allowance will be removed through the approval of this site plan.



Eugene P. Chajka, P. Eng.
Manager of Development

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CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 June 9

JUN 15 1994

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

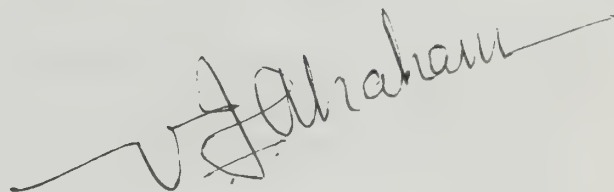
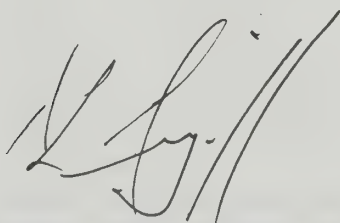
FROM: Mr. V. J. Abraham, M.C.I.P.
Director of Local Planning

Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: City Initiative 94-B - Review of Vehicles In Residential
Zoning Districts

RECOMMENDATION:

That the Planning and Development Committee direct staff to hold a Public Meeting regarding the review of vehicles permitted in residential zoning districts.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

As a result of a number of complaints received by the Building Department, regarding the parking of large recreational vehicles, trailers and boats in residential districts, the Planning and Development Committee, at its meeting on September 22, 1993, requested the Building and Planning and Development Departments to undertake a review of Section 18A(15) of the Zoning By-law, which regulates vehicles in residential districts.

- City of Hamilton Official Plan

The City of Hamilton Official Plan is silent on the issue of large and/or commercial vehicles in residential areas. However, it should be noted that Subsection C.7 - Residential Environment and Housing Policy encourages a high standard of Residential amenity.

- City of Hamilton Zoning By-law No. 83-66

Prior to 1983, the Zoning By-law did not expressly prohibit the parking of large or commercial vehicles in residential zoning districts. On February 22, 1983, City Council passed By-law No. 83-66, which was the result of a detailed review of parking and loading requirements. By-law No. 83-66, established new parking and loading requirements for Residential, Commercial, Public and Institutional uses, including the introduction of Section 18A(15), to prohibit large and commercial type vehicles in residential districts. The intent of this provision is to avoid the potential negative impacts (ie. visual, traffic, noise, fumes, etc.) of large and commercial type vehicles on residential neighbourhoods.

In this regard, the Zoning By-law, Section 18A(15), currently prohibits the following vehicles from parking in residential zoning districts:

1. for which the permit fee under the Highway Traffic Act is based on the weight of the vehicle and load, in excess of 4.0 tonnes;
2. which exceeds 6.5 m in length;
3. which is equipped with dual wheels or tandem axels;
4. which is a tow truck;
5. which is a bus;
6. which is a bus converted into a mobile home; and,
7. which is a bus used for commercial purposes.

"Vehicle" is defined in the Zoning By-law as including:

"a motor vehicle, trailer, traction engine, farm tractor, road-building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or cars of electric or steam railways running only upon rails."

• Violation and Enforcement of Section the Zoning By-law Section 18A(15)

As with any other contravention of the Zoning By-law, violations to Section 18A(15) are investigated on a complaint basis. Prior to 1993, the Building Department advises they have received relatively few complaints (ie. approximately 20 per year). However, in September of 1993, 75 complaints were received by the Building Department, which resulted in many inspections and issuance of Orders to Comply. This situation also received a significant amount of publicity.

Of the 75 complaints received on properties throughout the City, 52 situations were found to be in violation of the By-law and Orders to Comply were issued (APPENDIX "A" demonstrates the types of vehicles which were inspected by the Building Department.)

The breakdown of the types of vehicles found in violation of the By-law are as follows:

Motor Homes (dual wheels or tandem axels)	16
House Trailer (tandem axeled)	23
Boat Trailer (tandem axeled)	6
5th Wheel Trailer (tandem axeled)	5
Converted Bus/Motor Home	1
Cube Van (dual wheeled)	1
<hr/>	
Total	52

Of the 52 Orders to Comply, 6 were rectified by removal of the vehicle from the residential district. A total of 9 were recognized as legal non-conforming uses (ie. the situation had existed prior to the passing of By-law No. 83-66). To date, 37 Orders to Comply are outstanding. These Orders have been held in abeyance, pending completion of this study.

In summary, it is only recently that the Building Department has experienced a quantity of complaints with respect to violations involving vehicles prohibited in residential districts. Furthermore, the majority of the recent violations were regarding dual wheeled or tandem axeled motor homes or house trailers.

• City of Hamilton Traffic By-law No. 89-72

The City of Hamilton Traffic By-law prohibits the parking of heavy vehicles on any street which is not designated as a truck route. The By-law definition coincides with Section 18A(15) of the Zoning By-law, in that a heavy vehicle is defined as:

- (a) for which the permit fee under the Highway Traffic Act is based on the weight of the vehicle and load, in excess of 4.0 tonnes; or

- (b) which exceeds 21 feet (6.5 m) in length;
- (c) which is equipped with dual rear wheels or tandem rear axels; or
- (d) which is a tow truck; or
- (e) which is a bus, or a bus converted into a mobile home or used for commercial purposes.

The Traffic By-law, which regulates vehicles on residential streets, is parallel to Section 18A(15) of the Zoning By-law, which applies to the prohibition of parking of such vehicles in residential zoning districts on private property. Consequently, the Traffic Department advises that any change to this Section of the Zoning By-law should be accompanied by a similar change to the Traffic By-law.

- Survey of Other Municipal Regulations

A survey of seventeen municipalities (Ancaster, Brampton, Brantford, Burlington, Cambridge, Dundas, Etobicoke, Glanbrook, Kitchener, London, Mississauga, Oakville, Oshawa, Stoney Creek, St. Catharines and Waterloo) was undertaken, in order to determine how other municipalities regulate large vehicles in residential zones. All of the municipalities restricted the types of vehicles permitted in residential zones. A wide variety of standards were utilized to regulate commercial and large motor vehicles (see APPENDIX B).

Vehicles Regulated

a) Regulation by Size, Weight and Capacity

All the municipalities surveyed regulate the maximum size of vehicle permitted, by weight, height, width, or capacity, or a combination of these standards (see APPENDIX C). Maximum capacities of 1 tonne and 1,000 kg are used. Also, a vehicle weight and load of 4.0 tonnes is also used by one other municipality, besides Hamilton. Maximum weight restrictions vary from 2,500 kg to 5,600 kg. Maximum length regulations range from 5.0 m to 9.0 m for vehicles and up to 11.0 m for trailers. Height restrictions are also used by some municipalities, which vary from 2.3 m to 3.66 m. London includes a maximum width of 2.4 m. In most cases a combination of standards are used (ie. vehicles of a maximum height and/or weight are prohibited).

b) Regulation by Type of Vehicles

In addition to utilizing maximum weight, height and capacity regulations, some municipalities prohibit certain categories of vehicles. For example, some municipalities prohibit the parking of: vehicles with a stake body, dual wheels, tandem axels, or open storage of goods; commercial trailers; transport trailers; tow trucks; buses; tilt/n/load trucks; dump trucks; tractor trailers; and semi-trailers.

It should be noted that five of the municipalities surveyed have specific regulations and/or definitions for recreational vehicles and four municipalities have specific regulations for boats and/or trailers. However, in most cases, maximum standards such as height and/or length were also applied to these types of vehicles. Only one of the municipalities (Cambridge) permitted any size of recreational vehicle, trailer or boat to be parked outside (in specified yards only).

Open Storage and Location

Rather than outright prohibiting certain vehicles, as is done in Hamilton, some municipalities prohibit the "open storage" of vehicles, in excess of a maximum size or of a certain type. In this regard large vehicles could be permitted within a fully enclosed building or garage. However, given the size of most commercial or large vehicles, it would not seem very likely that many residential properties would contain garages large enough to store these types of vehicles. Therefore, the effect would appear to be the same as prohibition from residential zones.

Furthermore, in some cases, vehicles of a certain type (ie. recreational vehicles), which fall within acceptable standards (ie. maximum length, height, weight) are restricted to certain locations. For example, Etobicoke permits recreational vehicles not exceeding 9.0 m in length in a fully enclosed building, or only in specified yards (ie. not in a front yard, side yard abutting a street, or, for a corner lot, not in any portion of a rear yard closer to the street line than the main wall of the dwelling.).

Maximum Number of Vehicles

In some cases where certain vehicles are permitted, they may be restricted to one or two per lot. For example, Brampton permits a maximum of one boat, snowmobile, or trailer and Brantford permits a maximum of two motor homes, travel trailers or snowmobiles. A total of 11 municipalities restrict certain vehicles to a maximum of one or two.

Summary

Municipalities utilize many variations of regulations to restrict the types of vehicles permitted in residential zones. However, the intent of the various regulations to ensure that residential neighbourhoods are protected from the impacts associated with the parking of large and/or commercial motor vehicles in residential areas appears to be consistent. In this regard, the regulations contained in the City of Hamilton Zoning By-law are comparable with regulations in other municipalities.

DEVELOPMENT OF OPTIONS:

As stated previously, Section 18A(15) of the Zoning By-law prohibits any vehicle which has dual wheels or tandem axels or is greater than 6.5 m in length. It is clear from the Building Department records, that the majority of the complaints and violations are respecting recreational vehicles which fall into these categories. **Since the City has not experienced any problems with commercial or large vehicles other than recreational vehicles, it would not appear feasible to consider relaxing the general prohibition for commercial type vehicles.** Furthermore, Hamilton's regulations in this respect are consistent with the regulations in other municipalities. Accordingly, there are three options identified:

- Option 1 - Maintain the Status Quo;
- Option 2 - Amend the Zoning By-law To Permit Recreational Vehicles with Restrictions; and,
- Option 3 - Amend the Zoning By-law To Permit Unrestricted Recreational Vehicles.

Option 1 - Maintain Status Quo

This option would not involve amendments to Section 18A.(15) of the Zoning By-law, the current regulations, which prohibited certain vehicles in residential Districts, would be maintained.

Advantages

- to preserve the intent of Zoning By-law No. 83-66, to prohibit large and commercial type vehicles from residential Districts due to the potential negative impacts on the neighbourhood, such as visual intrusion, noise, fumes, traffic impacts, etc.;
- it would allow for smaller recreational vehicles which do not have the potential for negative impacts on residential neighbourhoods (ie. less than 6.5 m in length, without tandem axels or dual wheels); and,
- it would require City approval through the Committee of Adjustment for each proposal to park a large vehicle in a residential district. In this regard, the City could evaluate each situation to determine its appropriateness (ie. size of vehicle, extent of visual intrusion, location of storage, traffic implications such as manoeuvrability, etc.). The City would also have the opportunity, to apply site specific regulations based on the individual proposal (ie. located only in a specific yard, a maximum size or type of vehicle, time limitations, such as 6 months per year, etc.).

Disadvantages

- it could cause hardship whereby owners may not be able to park larger recreational vehicles on their residential property, and may therefore, be required to store the vehicle elsewhere.

Option 2 - Amend The Zoning By-law To Permit Recreational Vehicles With Restrictions

This option would involve an amendment to the Zoning By-law to revise the existing regulations to permit recreational vehicles in residential districts. If recreational vehicles are permitted, they should be restricted in order to minimize potential effects on adjacent residential properties, as follows:

- the owner or occupant of any residential lot may park or store a maximum of one recreational vehicle, trailer or boat on any one lot;
- the recreational vehicle, trailer or boat shall only be located in a rear yard or interior side yard, or within a fully enclosed building or structure;
- the vehicle shall not occupy required parking; and,
- the vehicle shall be set back a minimum distance of 1.2 m from any lot line.

Advantages

- it would allow any type of recreational vehicle to be parked on residential properties, and therefore, avoid the hardship of parking the vehicles elsewhere; and,
- by placing restrictions (ie. maximum of one recreational vehicle, only within an interior side yard or rear yard, not occupy required parking, and 1.2 m setback) on recreational vehicles, it would reduce the potential impacts on adjacent residents.

Disadvantages

- it may cause negative impacts on residential neighbourhoods, such as visual intrusion, traffic impacts, etc. Specifically, the parking of such vehicles would have a direct impact on neighbouring properties with regard to visual amenity, shading and invasion of privacy;

- it may encourage residents to utilize required parking to store recreational vehicles, thereby increasing the parking of automobiles on the adjacent street or in a front yard;
- large recreational vehicles can have the same or similar impacts on a residential neighbourhood as other large or commercial vehicles;
- it may be difficult to enforce, in that vehicles could be easily moved back into a prohibited yard or set back after an inspection takes place;
- the manoeuvrability of recreational vehicles may be difficult, since many residential lots are quite small in area (ie. owners may not be able to adequately manoeuvre large vehicles on and off residential properties);
- it appears that many recreational vehicles could not be accommodated in accordance with the proposed standards. Site visits indicate that the large majority of recreational vehicles are parked in a front yard, or in a side yard at, or close to, the property line. In this regard, it does not seem likely that many residential side yards are large enough to accommodate the storage of a recreational vehicle, while maintaining the proposed 1.2 m setback; or, alternately, many houses have a garage and no side driveway. Likewise, since most driveways do not provide access to the rear yard, it would not appear that many vehicles could be stored in a rear yard; and,
- the majority of recreational vehicles are probably too large to be stored in a residential garage.

Option 3 - Amend The Zoning By-law To Permit Recreational Vehicles Without Restrictions

This Option would involve a general text amendment to the Zoning By-law to permit unrestricted recreational vehicles, as of right, in all residential districts.

Advantages

- it would allow residents to park any type of recreational vehicle on residential properties, and therefore, avoid the hardship of parking the vehicles elsewhere.

Disadvantages

- it is likely that many recreational vehicles would be parked in the front yards, or, in the side yards, close to the property lines, where they are most visible and have the most significant impacts on the residential neighbourhoods (ie. streetscape, etc.);

- it may cause negative impacts on residential neighbourhoods, such as visual intrusion, traffic impacts, etc. Specifically, the parking of such vehicles would have a direct impact on neighbouring properties with regard to visual amenity, shading and invasion of privacy;
- it may encourage residents to utilize required parking to store recreational vehicles, thereby increasing the parking of automobiles on the adjacent street or in a front yard;
- large recreational vehicles can have the same or similar impacts on a residential neighbourhood as other large or commercial vehicles; and,
- the manoeuvrability of recreational vehicles may be difficult, since many residential lots are quite small in area (ie. owners may not be able to adequately manoeuvre large vehicles on and off residential properties).

PREFERRED OPTION:

Option 1 - Maintain the Status Quo is the preferred option. As set out in the above discussion on Options 2 and 3, there are many disadvantages to permitting recreational vehicles as of right in residential districts, with or without restrictions. Option 1 maintains the intent of Section 18A(15) of the Zoning By-law, to prohibit large and commercial type vehicles from residential Districts, due to the potential negative impacts on the neighbourhood, such as visual intrusion, noise, fumes, traffic impacts, etc.

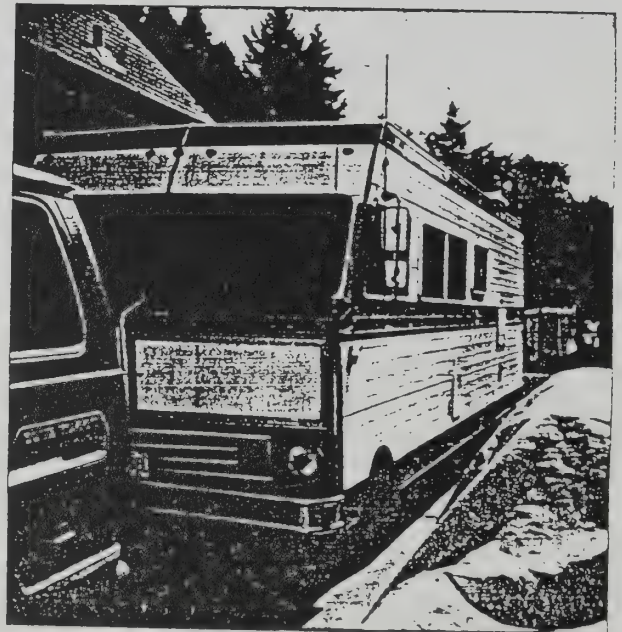
Furthermore, because of the direct impacts of the storage of recreational vehicles on adjacent properties, the best way to deal with these situations is through the City's Committee of Adjustment, thereby allowing the City to review the individual merits of each situation, such as size of lot, location of storage, impact on neighbours, etc. In this regard, the Committee can apply any restrictions it feels might be appropriate for the situation, such as restriction to a particular yard, setback from property line, etc.

RECOMMENDATION:

Based on the foregoing, it is appropriate to schedule a Public Meeting of the Planning and Development Committee to gain public input on the various options presented, prior to the Committee making a final decision on this matter.

CL-M

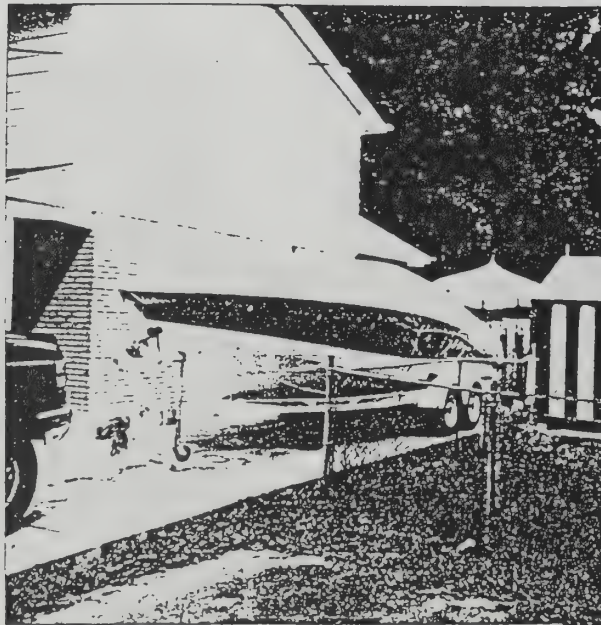
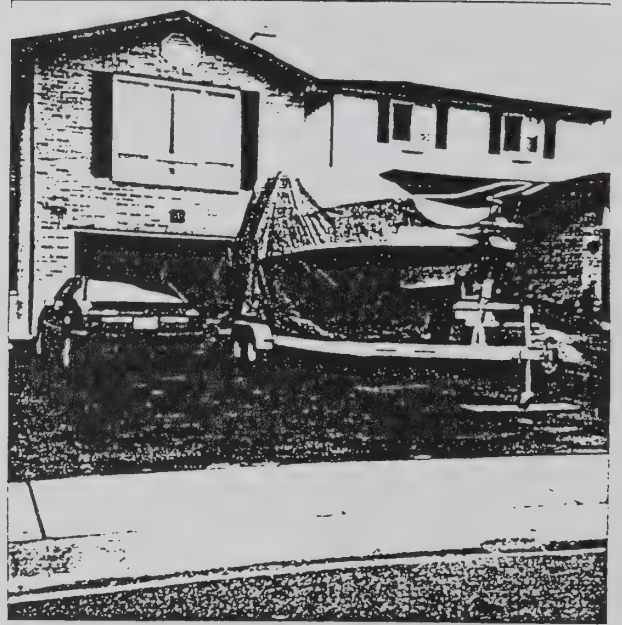
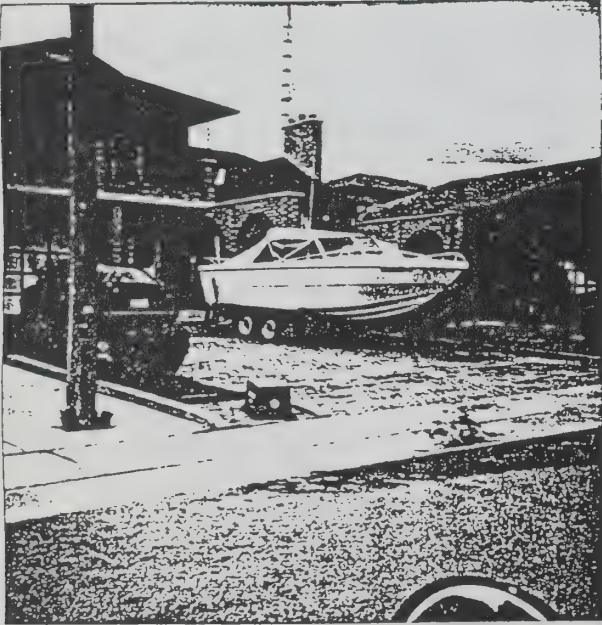
Motor Homes



House Trailers



Boat Trailers



5th Wheel Trailer and Converted Bus

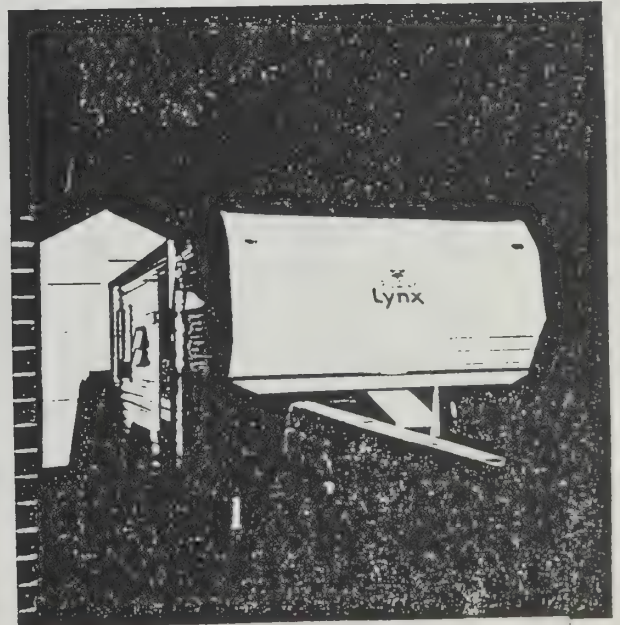


Table 1 - Restriction of Vehicles In Residential Zoning Districts

Survey of Municipalities

<u>MUNICIPALITY</u>	<u>ZONING BY-LAW REGULATIONS REGARDING MOTOR VEHICLES PERMITTED IN RESIDENTIAL ZONES</u>
Ancaster	<p>Vehicles Restricted - The open storage of <i>any motor vehicle</i> exceeding a one tonne carrying capacity, or an overall length of 7.7 m, or an overall height of 2.3 m, or any motor vehicle equipped with a stake body is prohibited.</p>
Brampton	<p>Vehicles Restricted - <i>Motor vehicles</i> having a vehicle weight greater than 2,500 kg or a height greater than 2.3 m, or both are not permitted, unless they are parked or stored within a totally enclosed building or structure.</p> <p>A maximum of one of the <u>following vehicles</u> is permitted on any residential lot:</p> <ul style="list-style-type: none"> • a boat; • a snowmobile; • a trailer; • a boat on a trailer, together not exceeding 7.0 m in length; and, • one or two snowmobiles on a trailer, together not exceeding 7.0 m in length. <p>Furthermore, boats, snowmobiles, truck trailers, mobile homes, house trailers, travel trailers, or any other type of trailer are not permitted in an exterior side yard, or in a front yard. Boats or trailers are not permitted closer than 7.5 m to a rear lot line which abuts a street or reserve owned by a public authority.</p> <p>Exceptions - Travel trailers not exceeding 5.0 m in length when closed may be parked or stored in a driveway that is in the front yard. Vehicles making a delivery or providing a service.</p>
Brantford	<p>Vehicles Restricted - <u>Commercial vehicles</u> are prohibited, except within a garage.</p> <p><u>Motor homes, travel trailers, snowmobiles or boats</u> with accessory trailers, or trailers, are permitted provided:</p> <ul style="list-style-type: none"> • they are stored or parked within a garage; • any trailer or accessory trailer does not exceed 11.0 m in length. • a maximum of two can be stored or parked in a rear yard or interior side yard; • if stored outdoors, are no closer than 1.0 m to any lot line; and,

Exceptions - A motor home, travel trailer, snowmobile or boat with accessory trailer may be stored in a front yard or exterior side yard for up to 72 hours per month.

Burlington

Vehicles Restricted - The outside parking or storing of the following vehicles are prohibited:

- motor vehicles (except recreational vehicles) exceeding registered gross vehicle weight of 2,994 kg., or a length of 6.1 m, or a height of 2.6 m;
- motor vehicles with a stake body;
- recreational vehicles, trailers, or any other load, including a boat, whether on or off a trailer or other supporting device, exceeding a combined height of 3.66 m; and,
- any trailer or recreational vehicle within a required landscape strip and within 3 m of the street line.

Recreational vehicles are permitted on the following basis:

- recreational vehicles, trailers or any load thereon including a boat, whether on or off a trailer, or other supporting device, which do not exceed a height of 1.6 m, are permitted in any yard;
- recreational vehicles, trailers or any load thereon including a boat, whether on or off a trailer or other supporting device, which exceed a height of 1.6 m, but do not exceed a height of 3.66 m, are permitted in any yard, between May 1st and October 31st. At any other time such vehicles are permitted in yards other than a front yard or side yard flanking a street.

Cambridge

Vehicles Restricted - no bus or commercial motor vehicle exceeding 2,800 kg gross vehicle weight, and no commercial trailer or transport trailer permitted, except:

- in a "neighbourhood parking station", provided in accordance with the By-law;
- a resident may use a wholly enclosed private garage to park or store a maximum of one bus or commercial vehicle not exceeding 5,600 kg gross vehicle weight or commercial trailer or transport trailer, if the resident is the operator.

Further, no recreational vehicle, trailer or boat is permitted, except:

- by the owner;
- in the rear yard;
- in a side yard, but not closer than 1.2 m to the side lot line;
- on a driveway located in the front yard, between the established building line street line, for the period from 1 April to 31 October, except within 3.0 m of the principle entrance to the dwelling;
- in a garage or carport;
- in a "neighbourhood parking station".

Dundas

Vehicles Restricted - The following vehicles are prohibited:

- for which the permit fee under the Highway Traffic Act is based on the weight of the vehicle and load in excess of

- 4.0 tonnes;
- which exceeds 6.5 m in length;
- which is equipped with dual rear wheels or tandem axels;
- which is a tow truck;
- which is a bus.

Etobicoke

Vehicles Restricted - Commercial vehicles prohibited, except an owner or occupant may park or store a maximum of one commercial vehicle, provided that:

- it does not exceed 1,000 kg capacity (as licensed with the appropriate provincial authorities for a gross weight not to exceed 3,175 kg); and,
- it is operated by the owner/occupant and is not in connection with any business or other use prohibited.

Recreational vehicles (including snowmobiles, boats, camper tops which are mounted on a trailer or truck) which do not exceed 9 m in length are permitted, subject to the following:

- they are located entirely within a garage, carport or dwelling;
- a maximum of two may be stored outside, provided:
 - they are not in a front yard, or a side yard abutting a street, or for a corner lot, are not on any portion of the rear yard closer to the street than the main wall of the main building; and
 - vehicles exceeding 1.9 m are not permitted in a required side yard.

For apartment houses, maisonettes, or group dwellings, recreational vehicles may only be parked in a garage or carport, provided that:

- the vehicle is not over 9 m in length; and
- it does not occupy required parking.

Exceptions - Occasional parking of a recreational vehicle in a front yard by the owner/occupant from May 15 to October 15 (for camper trailers, motor homes, truck campers, travel trailers, boats and boat trailers) or from November 30 in one year to April 1 of the next year (for snowmobiles, snowmobile trailers and like winter-oriented vehicles).

Any recreational vehicle may be permitted on a driveway for a period not exceeding three days, at any time of the year.

Gianbrook

Vehicles Restricted - For estate and hamlet residential areas, the open parking or storage of any vehicle, trailer or boat exceeding 6.4 m in length or a height of 2.6 m is restricted to one vehicle, along with its trailer, provided it is not located closer than:

- 4.5 m from any front lot line, exterior side lot line or rear lot line; and,
- 1.2 m from any interior side lot line.

For other residential zones, the open parking or storage of vehicles exceeding 6.4 m in length or 2.6 m in height, and boats and trailers, is prohibited.

The open parking or storage of any equipment or material, unless incidental to the residential use, and vehicles defined by the Dangerous Goods Transportation Act, are prohibited.

Kitchener

Vehicles Restricted - Parking or storage of commercial vehicles is subject to the following provisions:

- no commercial vehicle exceeding a registered gross weight of 4,000 kg is permitted, except within a fully enclosed building or structure;
- regardless of weight, tow trucks, tilt/n/load trucks, dump trucks, tractor trailers, semi-trailers, buses exceeding 10 passenger seats are not permitted except within a fully enclosed building or structure; and,
- regardless of weight, no commercial vehicle having open storage of any goods, materials or equipment is permitted except within a fully enclosed building or structure.

Exception - Temporary delivery service.

London

Vehicles Restricted - No commercial vehicle or motorized construction equipment, except one commercial vehicle which:

- is owned or operated by occupant;
- is not greater than 2.4 m wide, 2.4 m high and 6.0 m long; and
- is parked or stored within a building or carport, or within a yard other than a front yard, exterior side yard or a required interior side yard.

Trailers, boats or recreational trailers greater than 5.0 m in length are not permitted in a front yard, exterior side yard or a required interior side yard.

Exception - Vehicles making deliveries or providing service.

Mississauga

Vehicles Restricted - Commercial motor vehicles (any motor vehicle having attached thereto a truck or delivery body) in excess of 500 kg capacity are prohibited, except, an owner or occupant may store a maximum of one commercial vehicle not exceeding 1,000 kg capacity in a garage.

The outdoor parking, storage or display of any trailer or boat is prohibited, except, not more than one trailer not exceeding 7 m in length and one boat not exceeding 7 m in length is permitted, in accordance with the following:

- within a side yard to the rear of the front wall of the main building, but not less than 1.2 m from the nearest side lot line, or in the rear yard.
- a trailer or boat shall not be parked within 7.5 m of a side or rear lot line which abuts a street or 0.3 m reserve; and
- within a front or side yard for a total period not exceeding 72 hours in any calendar month.

Trailers or boats may be parked on multiple residential properties provided they are parked in the space required to be provided in accordance with the Zoning By-law.

Exception - Commercial vehicles attending residential premises for delivery and service.

Oakville

Vehicles Restricted - Commercial vehicles prohibited other than one commercial vehicle not exceeding gross weight as registered with the Ministry of Transportation and Communications, of 2,721.5 kg.

Oshawa

Vehicles Restricted - Commercial vehicles weighing in excess of 3,000 kg are prohibited. Not more than one commercial vehicle (ie. under 3000 kg), tow truck or ambulance to be parked or stored on a lot.

Exceptions - Parking of vehicles making deliveries or providing a service. Parking or storing of a commercial vehicle in an accessory building provided such building was lawfully used for such parking or storing immediately prior to passing of By-law.

Stoney Creek

Vehicles Restricted - By-law No. 3692-92 (subject to OMB approval) Commercial motor vehicles, heavy motor vehicle, commercial trailers, coaches, street cars or construction equipment are prohibited. Note: a trailer excludes a recreational vehicle and a coach excludes a school bus.

By-law No. 2175 - Commercial vehicles are prohibited.

A commercial motor vehicle is defined as a motor vehicle which:

1. has attached thereto a truck or delivery body; and
2. for the purposes of the Highway Traffic Act has a registered gross weight of more than 3,629 kg; and

This definition includes truck tractors used for hauling trailers on the highway but does not include a mobile home.

St. Catharines

Vehicles Restricted - Commercial motor vehicles in excess of 3,600 kg gross vehicle weight as registered with the Ministry of Transportation and Communications are prohibited.

Commercial motor vehicle is defined as "a motor vehicle used for business, employment or commercial purposes and shall include a tractor-trailer for hauling purposes on the highway, earth moving equipment, backhoes and farm tractors."

Exception - Temporary parking for delivery purposes.

Toronto

Vehicles Restricted - Trailers or commercial motor vehicles are not permitted, except:

- an owner or occupant may personally use an accessory building or structure to house or store one commercial vehicle;
- an owner or occupant may personally use the lot or accessory building or structure to park or store a maximum

of one camper trailer or boat trailer, provided:

- it is not parked beyond the main front wall of a residential building; and
- no electricity, water or gas is connected and it is not used for living accommodation or recreational use.

Waterloo

Vehicles Restricted - A maximum of one light commercial vehicle not to exceed one ton maximum capacity for the use of the owner or tenant of the premises is permitted.

Table 2 - Summary of Weight, Height and Length Restrictions Used For Vehicles Permitted In Residential Districts

Survey of Municipalities

<u>MUNICIPALITY</u>	<u>TYPE OF VEHICLE REGULATED</u>	<u>MAX. WEIGHT/CAPACITY</u>	<u>MAX. LENGTH</u>	<u>MAX. HEIGHT</u>
Ancaster	Motor vehicle*	one tonne capacity	7.7 m	2.3 m
	Motor vehicle*	2,500 kg		2.3 m
Brampton	Boat on trailer		7.0 m	
	1 or 2 snowmobiles on trailer		7.0 m	
	Trailers		11.0 m	
Brantford	Motor vehicles (except recreational)*	2,994 kg	6.1 m	2.6 m
Burlington	Recreational vehicles, trailers, (including boats)*			3.66 m
Cambridge	Bus, Commercial motor vehicle*	2,800 kg		
	Bus, Commercial motor vehicle, commercial trailer, transport trailer - in building	5,600 kg		
	Motor vehicles	4.0 tonne load	6.5 m	
Dundas	Commercial motor vehicle	1,000 kg capacity 3,175 kg		
Etobicoke	Recreational vehicles		9.0 m	

<u>MUNICIPALITY</u>	<u>TYPE OF VEHICLE REGULATED</u>	<u>MAX. WEIGHT/CAPACITY</u>	<u>MAX. LENGTH</u>	<u>MAX. HEIGHT</u>
Glanbrook	Vehicle, trailer, boat*		6.4 m	2.6 m
Kitchener	Commercial vehicles*	4,000 kg		
London	Commercial vehicle Trailer and Boat*		6.0 m 5.0 m	2.4 m (also width 2.4 m)
Mississauga	Commercial motor vehicle*	1,000 kg capacity		
	Trailer or boat		7.0 m	
Oakville	Commercial vehicles	2,721 kg		
Oshawa	Commercial vehicles	3,000 kg		
Stoney Creek	Commercial vehicles	3,629 kg		
St. Catharines	Commercial motor vehicles	3,600 kg		
Waterloo	Light commercial motor vehicle	1 Tonne capacity		

Note: * restrictions apply only to vehicles parked or stored outside

De)

CITY OF HAMILTON

- RECOMMENDATION -

JUN 15 1994

DATE: 1994 June 10

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V. J. Abraham, M.C.I.P.
Director of Local Planning

Mr. J. D. Thoms
Commissioner of Planning and Development

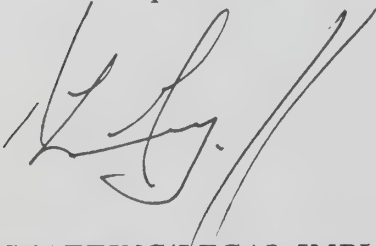
SUBJECT: Zoning Application 94-07 - No. 819 Upper Paradise Road

RECOMMENDATION:

1. That Section 4. of the Ninth Report of the Planning and Development Committee, adopted by Council on May 31, 1994, respecting Zoning Application 94-07, Homes by DeSantis Inc. (In Trust), prospective owner of lands located at No. 819 Upper Paradise Road, as shown on the attached map marked as APPENDIX "A", be revised as follows:
 - (a) That Section 4.(b), 4.(c) and 4.(d) be renumbered 4.(d), 4.(e) and 4.(f), respectively;
 - (b) That the following be new clause be added as Section 4.(b):
 - "(b) That the "RT-20" (Townhouse - Maisonette) District regulations as contained in Section 10E of Zoning By-law No. 6593 be modified to include the following variances as special requirements:
 - (i) That not more than sixteen (16) single-family dwelling units shall be permitted; and,
 - (ii) That notwithstanding Section 10E.(3) no building or structure shall exceed two storeys in height."; and,

(c) That the following new clause be added as Section 4.(c):

"(c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1329, and that the subject lands on Zoning District Map W-27C be notated S-1329."



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

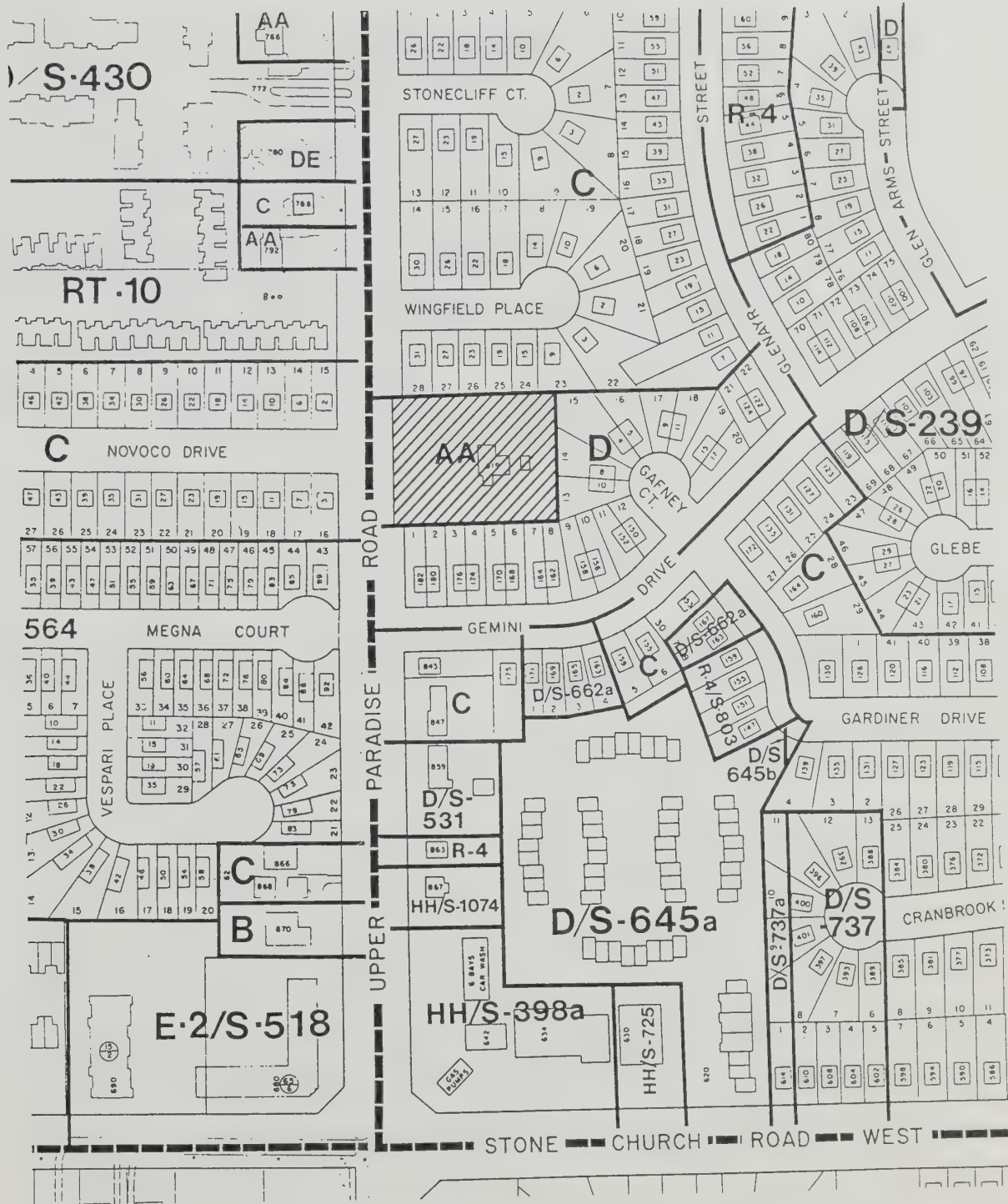
On March 15, 1994, the Planning and Development Department received Zoning Application 94-07 for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District, modified, to permit sixteen (16), two storey, townhouse units, on lands located at No. 819 Upper Paradise Road.

The Planning and Development Department recommended denial of the application, however, the application was approved by the Planning and Development Committee on May 25, 1994. In this regard, a revised recommendation for approval of the application was prepared by the Planning and Development Department, for inclusion in the Ninth Report of the Planning and Development Committee. However, the modifications to the "RT-20" (Townhouse - Maisonette) District regulations, as proposed in the application, to restrict the development to 16 units and to restrict the buildings to two storeys in height, were inadvertently omitted.

CONCLUSION:

Based on the foregoing, Section 4. of the Ninth Report of the Planning and Development Committee should be revised to include the appropriate modifications to the "RT-20" (Townhouse - Maisonette) District regulations.

CL-M



Legend



Site of the Application



ZAC-94-07

E

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1994 June 15

REPORT TO: Alderman D. Drury, Chairperson
and Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: Information Items

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

- (a) Memorandum from the Regional Administrative Services Committee dated 1994 May 10, re: New Provincial Court Facility at Main and John Streets.
- (b) Ministry of Education and Training letter dated 1994 May 30, re: locating some of its facilities in the Downtown Core of the City of Hamilton.
- (c) Hamilton-Wentworth Regional Police letter dated 1994 June 2, re: Mayor's Task Force on Downtown Issues and Renewal.
- (d) Information Report from the Director of Public Works dated 1994 May 19, re: Hanging Baskets - Enhanced Streetscaping.
- (e) Information Report from the Chairman, CAPIC, dated 1994 June 10, re: CAPIC's Downtown Focus.
- (f) Joint Information Report from the Commissioner of Planning and Development and the Director of Local Planning, dated 1994 June 13, re: Approved Site Plan Control Applications.

1994 June 15

Alderman D. Drury, Chairperson
and Members,
Planning and Development Committee

Page 2 - continued

- (g) Joint Information Report from the Commissioner of Planning and Development and the Director of Local Planning, dated 1994 June 8, re: Rental Housing Protection Act - Public Notification Process.
- (h) Joint Information Report from the Commissioner of Planning and Development and the Director of Local Planning, dated 1994 June 2, re: Mayor's Task Force on Downtown Issues and Renewal.
- (i) Information Report from the City Solicitor, dated 1994 June 9, re: Taco Bell Development - 460 Main Street West at Dundurn Street.
- (j) Letter from Domenic A. Meffe, of Domus Architects, dated 1994 May 24, re: Taco Bell.
- (k) Memorandum from the Secretary of the Mayor's Race Relations Committee, re: Report on the Mayor's Task Force on Downtown Issues and Renewal - Item 7 "That special ethnic projects be encouraged, e.g. Chinatowns on James Street North and King Street East".
- (l) Memorandum from the Regional Administrative Services Committee, dated 1994 June 9, re: Administrative Services Committee Report 6-94, Information Item i) viii).

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes, and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure following for these matters is recorded.

TA/dbm

CA4 ON HBL A05
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1994



Urban Municipal Coll.
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1994 July 20
9:30 o'clock a.m.
COUNCIL CHAMBERS


Tina Agnello, Secretary
Planning and Development Committee

NOTE: LUNCH TO BE PROVIDED AT 12:00 NOON IN ROOM 233

A G E N D A:

9:30 O'CLOCK A.M.

PUBLIC MEETING

1. **Zoning Application 94-10, John LeCluse, In Trust, prospective owner, for a change in zoning from "E" District to "H" District, modified, for lands located at the rear of No. 925 Main Street West.**

Submissions: (a) Clyde D. Halford, 801 Mohawk Road West, Hamilton on behalf of John Lecluse, Applicant

(b) Heather Halabourda, 127 Bond Street South, Hamilton

(c) Dorothy A. Pearson, 718-9081 Main Street West, Hamilton

- (d) Ronald D. Bunston, 718-981 Main Street West, Hamilton
 - (e) Gretchen de Boer, Niagara Escarpment Commission, 166 Main Street West, Grimsby
2. **Zoning Application 94-12, Barton Retirement Inc., lessee, for a further modification to the established "DE-3" District regulations, for lands located at 1430 Upper Wellington Street.**
3. (a) **City Initiative 91-G, - Proposed General Text Amendment to Zoning By-law No. 6593 - Front Yard Parking for Single, Two, Three-Family and Converted Dwellings.**
- (b) **Alderman D. Drury Re: Ad Hoc Sub-Committee Regarding Front Yard Parking.**

9:45 O'CLOCK A.M.

4. **Rental Housing Protection Act Application CD-93-003 - 5-7 Rockwood Place, 9-11 Rockwood Place, 362-366 John Street South and 21-25 Mountwood Avenue; Corktown Neighbourhood.**
5. (a) **Rental Housing Protection Act Application DE-93-001 - Nos. 322-326 King Street East; Beasley Neighbourhood.**
- (b) **Building Department Report - Demolition Permit.**

10:00 O'CLOCK A.M.

6. **Application for an Official Plan and Neighbourhood Plan Amendment; Mountview Neighbourhood**

Submissions: (a) Mrs. Margaret Morison, 16 West 33rd Street, Hamilton

(b) Kathleen Peva, 24 Chateau Court, Hamilton

(c) Doris I. Smith, 203-780 Mohawk Road West, Hamilton

- (d) James S. Ascroft, 109 San Pedro Drive, Hamilton
- (e) Elizabeth Truchon, 710-790 Mohawk Road West, Hamilton
- (f) Eric Grove, 188 Buckingham Drive, Hamilton
- (g) Barbara Wood
- (h) Iris and Vincent Brunning, 199 West 34th Street, Hamilton
- (i) Winston Munro, 38 San Antonio Drive, Hamilton
- (j) William and Anne Helder, 84 San Antonio Drive, Hamilton
- (k) Marilyn Cahelread, 665 Bendamere Avenue, Hamilton
- (l) Bill and Petra Cooke, 27 West 34th Street, Hamilton
- (m) Peter & Emily Bartens, 66 San Francisco Ave., Hamilton

7. **REFERRAL BACK FROM COUNCIL**

- (a) ZAC-93-42, rear of 1094 Upper Sherman Avenue -
Request for owner to hold By-law in abeyance.
- (b) Demolition of:
 - (i) 131 Forest Avenue and
 - (ii) 137 Forest Avenue

8. **MAYOR R.M. MORROW**

- (a) Access routes to the Harbour.
- (b) Beautification of Same.

9. **ALDERMAN D. ROSS**

Delegation: Retaining Wall in rear of Firenze and Greencedar Roads.

10. **COMMISSIONER OF PLANNING AND DEVELOPMENT AND
DIRECTOR OF LOCAL PLANNING**

Application of Demolition Control for Residential Buildings in the Downtown

11. **ACTING DIRECTOR OF PUBLIC WORKS**

Ferguson Avenue Between Barton and Cannon Streets, jobsontario -
Community Capital Application.

12. **CONSENT AGENDA**

13. **PRIVATE AND CONFIDENTIAL AGENDA**

14. **OTHER BUSINESS**

15. **ADJOURNMENT**

PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	Mobile Signs		Planning	Report Pending
2.	ZA-91-12 - 25 Hess Street South	1992 June 24	Applicant	Tabled for negotiations between parties
3.	Definition of "Foster Home" and "Residential Care Facility"	1992 November 18	Alderman T. Cooke	Planning & Building Departments to prepare a report
4.	Implementation of Public Participation Policies - Central Area Plan	1994 March 24	Planning	Planning to prepare guidelines based on CAPIC Report dated 1993 March 11
5.	Possible amendment to By-law 77-224 Re: Pumps and Filters for Swimming Pools	1993 October 6	Building Commissioner and Director of Local Planning	Report Pending

No.	Item	Original Date	Action	Status
6.	Closure of Walkway between Fonthill Road and Upper Paradise Road	1993 November 3	Transport and Environment Committee	Awaiting recommendation on assumption of walkway
7.	Review of Parking Lot Regulations - Minimum lighting requirement for safety	1993 November 3	Planning	Report Pending
8.	Report on Merits of having Regional Planning Department back to City level	1994 February 16	J. Pavelka, C.A.O.	Tabled
9.	Mayor's Task Force on Downtown Issues.	1994 April 16	Various Departments	Reports forthcoming to Committee.
10.	ZA-94-03 180 Walnut Street South	1994 April 20	Applicant	Amended application to be brought back to Committee.
11.	ZA-93-47 200 Rymal Road East	1994 April 20	Applicant	Tabled to allow applicant to resubmit amended application.
12.	Amendment to Property Standards By-law for Lighting Requirements in Private Parking Lots	1994 June 22	Building	Report Pending
13.	Lot Grading with respect to Land Severance Applications creating 1,2 & 3 Lots & Subdivision Agreements	1994 June 22	Law Department	Report Pending
14.	Monster Homes	1994 June 22	Building	Report Pending
15.	Site Plan Control Application DA-92-13	1994 June 22		Tabled

Tina Agnello, Secretary
1994 July 20

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1994 July 12 JUL 12 1994
ZAC-94-10
Westdale South Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V. J. Abraham
Director of Local Planning

SUBJECT: Request for a change in zoning for lands located at the rear
of No. 925 Main Street West

RECOMMENDATION:

1. That approval be given to amended Zoning Application 94-10, John Lecluse in trust, prospective owner, requesting a change in zoning from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "H" (Community Shopping and Commercial, etc.) District modified, to permit the existing parking area to be used in conjunction with the existing automobile dealership (Sterling Honda), for property located at the rear of 925 Main Street West, shown on the attached map marked as APPENDIX "A", on the following basis:
 - a) That the subject lands be rezoned from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "H" (Community Shopping and Commercial, etc.) District;
 - b) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14. of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variance as a special requirement:
 - i) Notwithstanding Section 14 (1) of By-law No. 6593, only the existing parking area shall be permitted on the subject lands at the date of the passing of the by-law;
 - c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-33 be notated S- ;

- d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-33 for presentation to City Council;
- e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-Law is to provide for a change in zoning from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "H" (Community Shopping and Commercial, etc.) District modified, for the lands located at the rear of 925 Main Street West, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit the existing parking area only to be used in conjunction with the existing automobile dealership (Sterling Honda), fronting onto Main Street West.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant is requesting a change in zoning from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "H" (Community Shopping and Commercial, etc.) District modified, to permit the existing parking area only to be used in conjunction with the existing automobile dealership, fronting onto Main Street West.

- Land Division Committee Applications H-03-94

The applicant filed a land severance application to convey an irregular shaped parcel of land having a lot area of 1138.0 m² for commercial purposes, and to retain the balance of the holding also irregular in shape having a lot area of 28,526 m² for residential purposes.

It is understood that the lands to be conveyed are surplus lands to and not utilized by the residential property at 981-1001 Main Street West (i.e. Camelot Towers).

The Land Division Committee on February 15, 1994 granted the application subject to final approval of any necessary change of zoning/zoning amendment. The applicant must fulfil this condition by February 15, 1995.

APPLICANT:

John Lecluse in trust, prospective owner.

LOT SIZE AND AREA:

- Irregular frontage and depth at the rear of 925 Main Street West; and,
- an approximate lot area of 1120.20 m² (12,058.1 sq. ft.).

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Parking and Vacant	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District
<u>Surrounding Lands</u>		
to the north	Automobile Dealership	"H" ((Community Shopping and Commercial, etc.) District
to the west	Apartments	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District
to the east and south	Vacant	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated **Commercial** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

- "A.2.2.1 The primary uses permitted in the areas exceeding 0.4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.
- A.2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:
- ii) Larger scaled "Highway" Commercial uses on deep lots, reliant on locations readily accessible to private vehicles specifically coming to, and parking on, the premises to do business.

- A.2.2.21 All outdoor storage areas will be fenced or suitably screened from adjacent Residential Uses. Council may permit the temporary storage of materials without screening for display or promotional purposes only, provided vehicular movement is not endangered, and that all parking requirements can be met.
- A.2.2.35 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:
- i) Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;
 - ii) Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Uses; and,
 - iii) Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses.
- A.2.2.37 In addition to the provisions of Subsection B.3.3 of this Plan, adequate parking and loading space will be required in clearly defined areas for all development and redevelopment within the COMMERCIAL designation and will include adequate space for owners, employees, customers and delivery vehicles. Council will require that, in all normal circumstances, a high standard of parking and loading facilities will be maintained in accordance with current practices.
- A.2.2.39 No parking facility serving a COMMERCIAL USE or group of uses will be permitted beyond a COMMERCIAL designation, nor will vehicular access to said COMMERCIAL USES be permitted over Residentially designated lands.
- A.2.2.40 Where possible, loading facilities and parking space for delivery vehicles will be located, buffered and screened, so as to minimize adverse impacts on adjacent Residential Uses."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

There is no Neighbourhood Plan For Westdale South Neighbourhood.

RESULTS OF CIRCULARIZATION:

- The following agencies have no comment or objection:
 - Ministry of Transportation;
 - Traffic Department;
 - Union Gas; and,
 - Hamilton Region Conservation Authority.

- The Roads Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

As the subject lands abut Hwy.#403, which is under the jurisdiction of the Ministry of Transportation of Ontario, comments from them with respect to grading, Building Land Use Permits etc. should be considered."

- The Building Department has advised:

"1. The development of the lands shall comply with Section 18(3)(ivc) of the Zoning By-law.

2. The Ministry of Transportation and Communication may have some requirements regarding any development."

COMMENTS:

1. The proposal complies with the intent of the Official Plan.
2. The proposal can be supported for the following reasons:
 - i) it complies with the intent of the Official Plan;
 - ii) it is compatible with the existing commercial development to the east; and
 - iii) the lands are surplus lands to and not utilized by the residential property to the west (i.e. Camelot Towers).
3. The agent for the applicant has verbally advised that a portion of the lands are currently used for parking and storage of vehicles in conjunction with the existing automobile dealership (Sterling Honda) fronting onto Main Street West, and no site modifications are anticipated (i.e. additions, grading, and landscaping). The Land Severance Application and the subject zoning application was filed to legalize an existing situation.

CONCLUSION:

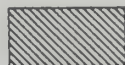
Based on the foregoing, the amended proposal can be supported.

jl/JL

WPZAC9410



Legend



Site of the Application



APPENDIX A

1a)

CLYDE D. HALFORD, LL.B.

BARRISTER & SOLICITOR

801 MOHAWK RD. WEST,

HAMILTON, ONTARIO, L9C 6C2

TELEPHONE: (905) 388-0973

FAX: (905) 388-2797

July 11, 1994

JUL 12 1994

Delivered to FAX # 546-4202

Planning Department,
City of Hamilton,
City Hall,
71 Main St. West,
Hamilton, Ontario.

ATTENTION: Mr. Joe Lakatos

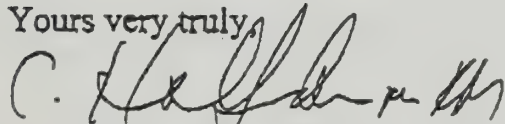
Dear Sir:

RE: Re-Zoning Application - John Lecluse - File ZAC-94-10

Further to our telephone conversation of today's date this letter is to confirm that you are to table the above-noted Re-Zoning Application originally scheduled for July 20th, 1994, to the next appropriate meeting date.

This letter will also confirm that we are aware that our client will be responsible for a further \$250.00 recirculation fee.

Yours very truly,



CLYDE D. HALFORD.

km

16)

127 Bond Street So.,
Hamilton, Ontario,
L8S 1S9.

July 5th, 1994.

JUL 11 1994

The Chairperson and Members of the
Planning and Development Committee,
City Hall,
71 Main Street West,
Hamilton, Ontario,
L8N 3V9.

Re: File ZAC 94-10, SEQ-00050

I am deeply concerned as to what the fate of the trees will be in this application. They lessen the otherwise stark impact of industry upon a residential area, and are such a beautiful barrier that eliminates much of the noise emanating from Highway 403.

I urge your Committee to keep areas such as this one as green as possible. Please prevent commerce, which can be harshly wilful, from destroying the greenery of Hamilton.

I would have no objection to this re-zoning unless, in doing so, we are to lose these trees and other flora.

Thank you for your consideration.

Heather Halabourda

Distributed to: D. Carson, Executive Assistant to the Mayor; V. Abraham, Director of Local Planning; P. Noé Johnson, City Solicitor, A. Zuidema, Law Department, M. Main, Traffic Department, L. King, Building Commissioner, D. Lobo, Director of Public Works - 1994 JULY 13

1c

Secretary,
Planning and Development Committee,
City Hall, 71 Main St. W.,
Hamilton, Ontario,
L8N 3T4

#718-9081 Main St. W.
Hamilton, Ontario,
L8S 1A8

JUL 13 1994

July 7 1994

RE: Application for rezoning of land to the rear of 925 Main St. W.

Dear Sir/Madam,

I am a resident of the apartment building adjacent to the land under discussion. My apartment overlooks this land and I give thanks everyday for these beautiful trees that are now threatened by this rezoning plan. These trees are large and healthy and provide a very necessary buffer to the incessant traffic noise and pollution that otherwise would make life miserable here.

I strongly object to the destruction of even a small part of this beautiful ravine area, that is home to many species of animals and birds. It is all that is left of what was once a beautiful park. Why cannot the city buy it? There are hundreds of people living in these apartments who enjoy the ravine. If the tennis courts were repaired there would be even more use.

Once again a beautiful natural area is under threat of destruction to make way for the ever growing greedy demands of land usage by the automobile.

Where does the policy of the Vision 20/20 resource group fit into this environmental destruction? Are the politicians and planners in touch at all with the agreements made by regional chairman's task force for Sustainable Development? Over and over it is emphasized that we must conserve and preserve our green spaces, and restrict development through zoning when natural areas are threatened.

Our small special pockets of natural beauty are what makes Hamilton unique and wonderful. This little pocket of nature is a microcosm of what the city represents and why in spite of all the industry and pollution, it is a great place to live.

In conclusion, I would suggest that there must be other ways for the Honda dealership to expand if they must. It would surely be cheaper in the long run to build up another story in which to house their offices, giving them more room below for cars than building retaining walls, cutting trees and using land fill to create flat space.

Let's for goodness sake be environmentally conscious about our little part of the world here, that is our first responsibility.

Yours sincerely,

D. Pearson

Dorothy A. Pearson

"Distributed to: D. Carson, Executive Assistant to the Mayor; V. Abraham, Director of Local Planning; P. Noé Johnson, City Solicitor, A. Zuidema, Law Department, M. Main, Traffic Department, L. King, Building Commissioner, D. Lobo, Director of Public Works - 1994 JUL 13

#718-981 Main St. W.,
Hamilton, Ont.,
L8S 1A8

7d

Secretary
Planning and Development Committee
City Hall
71 Main St. W., Hamilton, Ont.,
L8N 3T4

JUL 13 1994

RE: Application for rezoning of lands located to the rear of
925 Main St. W., (Sterling Honda Dealership)

The proposed expansion of the current dealership infers well being for the proprietors of Sterling Honda. We can assume therefore that their presence and their product is supported by the purchasing public. In fact I am a recent customer.

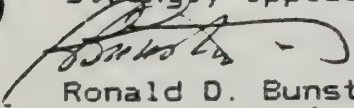
However, this organization, its investors, employees and customers live within the context of the larger community of Hamilton and the proposed territorial "horizontal" expansion as suggested by this rezoning application is contrary to the well being of ALL concerned including that of the proprietors.

Presently the package of land is a treed slope that provides a visual and ecological buffer to the harder realities of concrete, asphalt and noise. Particularly to those of us who live at 981 Main West and I'm sure to the employees of Sterling Honda as well.

If I understand the purpose of this proposed zoning change correctly, the process of construction would require the destruction of this buffer zone. This is not only out of context with the well being of all concerned it is contrary to the stated objectives and specifics of the regional Vision 2020 Plan. Perhaps this is a clear case in point where the planning committees, the citizens and the proprietors in question can seek a resolution which salvages as closely as possible all needs without rushing willy nilly to say no to the expansion needs of Sterling Honda or yes to the destruction of this important green edge to our city.

Several engineering systems are available which would be cost competitive and more suitable in the long term to resolve Sterling Hondas' desires to expand. A specific example would be a "DYCORE" style precast supported slab to create a vertical zoning space. Such an alternative would not only create more horizontal potential it would preserve that important visual and ecological context in tune with the Vision 2020 objectives.

In as much as feasible and cost competitive alternatives to the destruction of this wooded slope are available I must as a citizen strongly oppose this application in its present form.


Ronald D. Bunston.

cc Citizens for Sustainable Development; Steering Committee, Bob Horst.
Sterling Honda.

"Distributed to: D. Carson, Executive Assistant to the Mayor; V. Abraham, Director of Local Planning; P. Noé Johnson, City Solicitor, A. Zuidema, Law Department, M. Main, Traffic Department, L. King, Building Commissioner, D. Lobo, Director of Public Works - 1994 JULY 14.



Ontario

Niagara
Escarpment
Commission

Commission de
l'escarpement
du Niagara

166 Main Street West
Grimsby, Ontario
L3M 1S3
(416) 945-9235

166 Main Street West
Grimsby, Ontario
L3M 1S3
(416) 945-9235

July 11, 1994

Clerk
City of Hamilton
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Sir:

RE: Zoning By-law Amendment
No. 94-110
City of Hamilton

OFFICE OF THE CITY CLERK

JUL 14 1994

REC. BY

REF'D TO

REF'D TO

REF'D TO

ACTION:

The zoning by-law amendment is a general text amendment dealing with the temporary use of tents for business purposes. Municipal zoning has been suspended within the Niagara Escarpment Commission's area of Development Control, but "former" zoning is used for reference purposes when commenting on Development Permit Applications.

Please be advised that the Niagara Escarpment Commission has no objection to the proposed amendment since it will not negatively impact on the Development Control Areas or as the zoning change would not conflict with the policies of the Niagara Escarpment Plan designations represented in the City of Hamilton (i.e. Escarpment Natural Area, Escarpment Protection Area and Urban Area).

Should you have any questions or comments, please do not hesitate to contact me at (905) 945-9235.

Yours truly,

Gretchen de Boer
Senior Planner

GdB:JY:gdc

2.

CITY OF HAMILTON
- RECOMMENDATION -

JUL 12 1994

DATE: 1994 July 11
ZAR-94-12
Jerome Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V. J. Abraham
Director of Local Planning

SUBJECT: Request for further modification in zoning - 1430 Upper Wellington Street

RECOMMENDATION:

1. That approval be given Zoning Application ZAR-94-12, Barton Retirement Inc., Lessee, requesting a further modification to the established "DE-3" (Multiple Dwellings) District to permit an increase in the number of nursing home beds for the existing nursing home from 108 to 120, on lands located at 1430 Upper Wellington Street, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - a) That the "DE-3" (Multiple Dwellings) District regulations as contained in Section 10C of Zoning By-law No. 6593, as amended by By-law No. 89-313, applicable to the subject lands, be further modified to include the following variances as special requirements:
 - i) That Clause (a) of Section 2 of By-law No. 89-313 be deleted and replaced with the following:

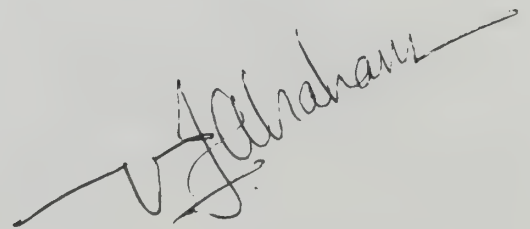
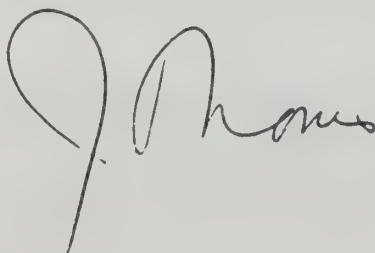
"(a) notwithstanding the provisions of Section 10C(1) of By-law No. 6593, only the following use shall be permitted:

1. a combined two storey 120 bed nursing home and a three storey 83 unit senior citizens multiple dwelling;"
- ii) That Clause (e) of Section 2 of By-law No. 89-313 be deleted and replaced with the following:
 - "(e) notwithstanding TABLE 1 referred to in Section 18A of By-law No. 6593, not less than 78 parking spaces shall be provided and maintained for the combined nursing home/senior citizens multiple dwelling use referred to in clause (a);"
 - b) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1140a, and that the subject lands on Zoning District Map E-9C be notated S-1140a;
 - c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, and By-law No. 89-313, and Zoning District Map E-9C for presentation to Council; and,
 - d) The proposed change is in conformity with the Official Plan for the Hamilton Planning Area.
2. That this proposed addition (see APPENDIX "B") be exempt for Site Plan Control and that the Building Commissioner be so advised.

EXPLANATORY NOTE:

The purpose of the by-law is to further modify the existing "DE-3" (Multiple Dwellings) District regulations for lands located at 1430 Upper Wellington Street, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit the expansion of the existing nursing home from 108 beds to 120 beds, and maintain the existing 78 parking spaces for the combined nursing home and senior citizens multiple dwelling.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant is proposing to expand the existing two storey 108 bed nursing home by 12 beds for a total of 120 beds, in conjunction with an existing three storey 83 unit senior citizens multiple dwelling. The present 78 parking spaces will be maintained to serve the combined facility.

- Committee of Adjustment Application A-89:361

The Committee of Adjustment, on January 31, 1990, approved a proposal to: increase the height of the nursing home portion of the combined nursing home/seniors multiple dwelling complex, from one to two storeys; increase the number of nursing home beds from 62 to 108; and, provide 78 parking spaces instead of the required 140. The relief was granted subject to: the final approval of an Official Plan Amendment and implementing zoning by-law; and, Site Plan approval.

- Official Plan Amendment No. 79 and Zoning By-law No. 89-113

The Regional Municipality of Hamilton-Wentworth, on January 16, 1990, approved Official Plan Amendment No. 79, which redesignated the subject lands from "Open Space" to "Major Institutional" to accommodate the proposed nursing home and senior citizens multiple dwelling.

City Council, on October 31, 1989, passed By-law No. 89-113 which rezoned the subject lands from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "DE-3" (Multiple Dwellings) District modified, to permit a one storey 62 bed nursing home, and a three storey 83 unit senior citizens multiple dwelling with a total of 63 parking spaces.

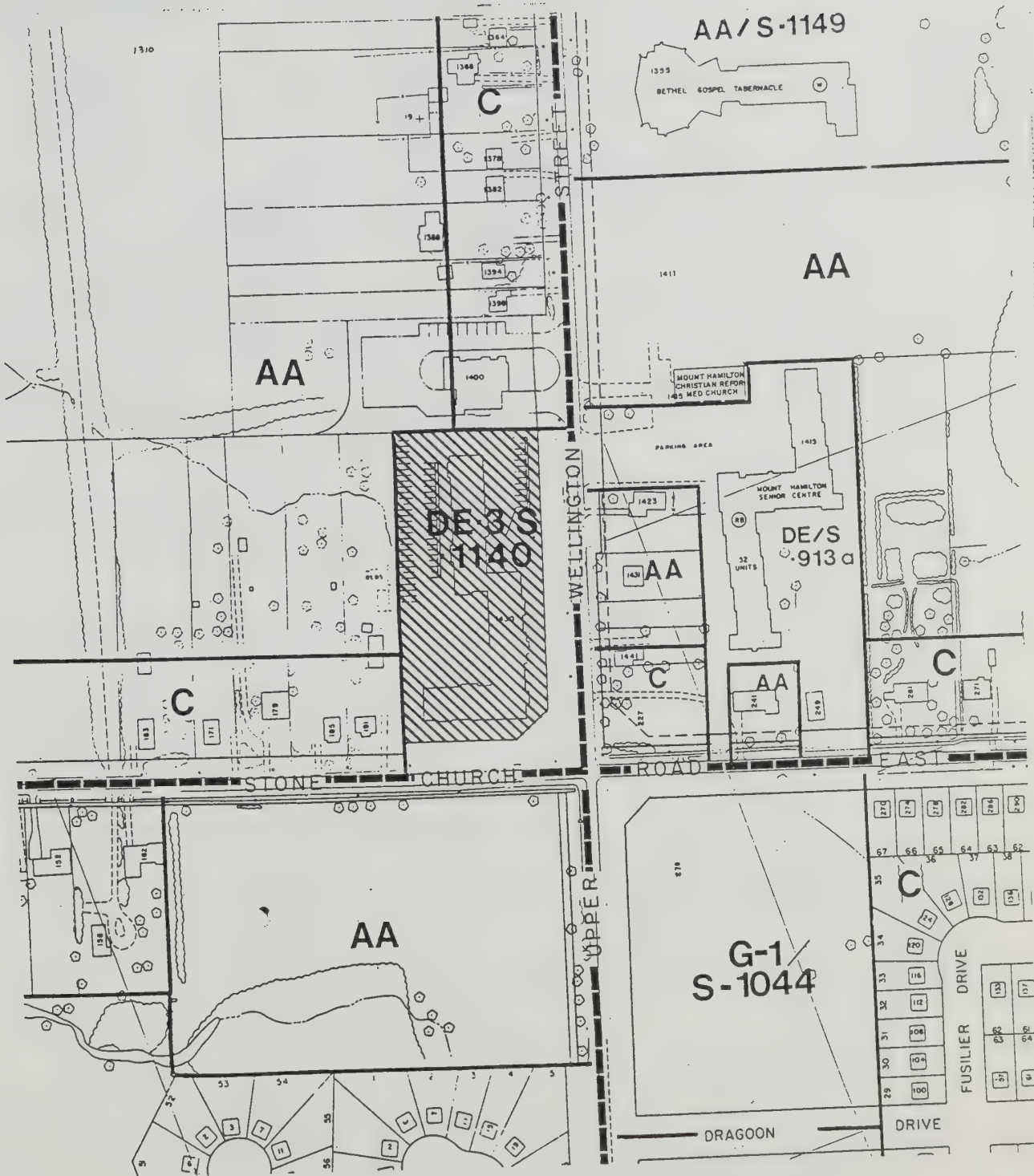
- Site Plan Control Application DA-89-88

The plans for the proposal, as approved by the Committee of Adjustment in January, 1990, were approved March 27, 1990.

CONCLUSION:

Based on the foregoing, the application can be supported.

CLF/
94-12



Legend



Site of the Application



APPENDIX A

3a)

CITY OF HAMILTON
- RECOMMENDATION -

JUL 12 1994

DATE: 1994 July 7
(CI 91-G)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Proposed General Text Amendment to Zoning By-law No.
6593 - Front Yard Parking for Single, Two, Three-Family
and Converted Dwellings

RECOMMENDATION:

That approval be given to City Initiative 91-G, for a further modification to Zoning by-law No. 6593, as amended by By-law Nos. 92-281 and 93-063, for a further modification to the front yard parking regulations for single, two, three-family and converted dwellings, on the following basis:

- a) That Section 18A(14a) of Zoning By-law No. 6593 be amended by:
- (i) deleting the word "and" between the words "single-family" and "two-family";
 - (ii) adding the words ", and three-family dwelling" between the words "dwelling" and "erected";
 - (iii) replacing the words "parking area" with "parking space"; and,
 - (iv) adding the words "for a single-family dwelling, two-family dwelling and three-family dwelling" between the words "space" and "in";

so the entire clause reads as follows:

"Except for single-family dwellings, two-family dwellings **and three-family dwellings** erected prior to the 14th day of December 1971, no part of a required parking space for a single-family dwelling, two-family dwelling or three-family

dwelling in a residential districts shall be located in a required front yard and not less than 50% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel pavers, or other similar materials."

b) That Section 18A(14b) of Zoning By-law No. 6593 be amended by:

- (i) deleting the word "and" between the words "single-family" and "two-family"; and,
- (ii) adding the words ", and three-family dwelling" between the words "dwelling" and "erected";

so the clause reads as follows:

"For single-family dwellings, two family dwellings and **three-family dwellings** erected prior to the 14th day of December....."

c) That Section 18A be amended by adding a new clause as (14c) as follows:

"Where a single-family dwelling, two-family dwelling or three-family dwelling in a residential district is located on a corner lot, parking may be permitted in the side yard that abuts the street line provided that:

- i) the area for parking shall not occupy more than 50% of the gross area of the side yard; and,
- ii) not less than 50% of the gross area of the side yard shall be used for a landscaped area excluding concrete, asphalt, gravel pavers, or other similar materials."

d) That Section 18A be amended by adding a new clause as (14d) as follows:

"For the purposes of clauses (14a) and (14b), the gross area of the front yard shall be calculated as the area between the front lot line and the front of the principle dwelling and the area extending from the side lot line to side lot line but subtracting:

- (i) unenclosed entrance porches;
- (ii) vestibules;
- (iii) ramps;
- (iv) front steps;
- (v) chimneys;

- (vi) bay windows;
- (vii) ornamental projections;
- (viii) terraces;
- (ix) platforms; and,
- (x) a walkway between the front entrance of the principal dwelling and the street line or driveway with a maximum width of 0.6 m."

e) That Section 18A be amended by adding a new clause (14e) as follows:

"For purposes of clause (14c), the gross area of the side yard shall be calculated as the area between the side lot line and a principle dwelling and the area extending from the front yard to the rear yard subtracting:

- (i) unenclosed entrance porches;
- (ii) vestibules;
- (iii) ramps;
- (iv) side steps;
- (v) chimneys;
- (vi) bay windows;
- (vii) ornamental projections;
- (viii) terraces;
- (ix) platforms;
- (x) alcoves;
- (xi) stairwells; and,
- (xii) a walkway located along the side of the principal dwelling between the front line and the rear line of the principle dwelling with a maximum width of 0.6 m."

f) That Section 18A be amended by adding a new clause as (14f) as follows:

"Notwithstanding clauses (14a) and (14b), in cases where at least half the front lot line is curved and the landscaped area of the front yard is less than 50%, the following exemptions for the calculation of the gross area of the front yard shall apply:

- i) a driveway between the front entrance of the garage and the street line with maximum width of:
 - 1) 3.0 m for each door of a one, two or three car garage; or,
 - 2) 5.5 m for a double door of a two car garage; and,
- ii) a walkway between the front entrance of the principal dwelling and the street line or driveway with a maximum width of 0.6 m.

provided all the remaining area shall be landscaped excluding concrete, asphalt, gravel pavers, or other similar materials."

- g) That Section 19.(1)(v) be amended by adding a new subclause (4) as follows:

"where a side yard abuts a street line, not less than 50% of the gross area of the side yard shall be used for a landscaped area excluding concrete, asphalt, gravel pavers, or other similar materials."

- h) That Section 19.(1) be amended by adding a new clause (vi) as follows:

"For the purposes of clause 19.(1)(v), the gross area of the front yard shall be calculated as the area between the front lot line and the front of the principle dwelling and the area extending from the side lot line to side lot line but subtracting:

- (i) unenclosed entrance porches;
- (ii) vestibules;
- (iii) ramps;
- (iv) front steps;
- (v) chimneys;
- (vi) bay windows;
- (vii) ornamental projections;
- (viii) terraces;
- (ix) platforms; and,
- (x) a walkway between the front entrance of the principal dwelling and the street line or driveway with a maximum width of 0.6 m."

- i) That Section 19.(1) be amended by adding a new clause (vii) to define the "gross area of the side yard"

"For purposes of clause 19(1)(v)(4), the gross area of the side yard shall be calculated as the area between the side lot line and a principle dwelling and the area extending from the front yard to the rear yard subtracting:

- (i) unenclosed entrance porches;
- (ii) vestibules;
- (iii) ramps;
- (iv) side steps;
- (v) chimneys;
- (vi) bay windows;
- (vii) ornamental projections;

- (viii) terraces;
- (ix) platforms;
- (x) alcoves;
- (xi) stairwells; and,
- (xii) a walkway located along the side of the principal dwelling between the front line and the rear line of the principle dwelling with a maximum width of 0.6 m."

- j) That Section 19.(1) be amended by adding a new clause (viii) to deal with percentage of landscaping on pie shaped lots

"Notwithstanding clause 19.(1)(v), in cases where at least half the front lot line is curved and the landscaped area of the front yard is less than 50%, the following exemptions for the calculation of the gross area of the front yard shall apply:

- i) a driveway between the front entrance of the garage and the street line with maximum width of:
 - 1) 3.0 m for each door of a one, two or three car garage; or,
 - 2) 5.5 m for a double door of a two car garage; and,
- ii) a walkway between the front entrance of the principal dwelling and the street line or driveway with a maximum width of 0.6 m.

provided all the remaining area shall be landscaped excluding concrete, asphalt, gravel pavers, or other similar materials."

- k) That Section 19.(2)(vi) be amended by adding a new subclause (4) as follows:

"where a side yard abuts a street line, not less than 50% of the gross area of the side yard shall be used for a landscaped area excluding concrete, asphalt, gravel pavers, or other similar materials."

- l) That Section 19.(2) be amende by adding a new clause (vii) as follows:

"For the purposes of clause 19.(2)(vi), the gross area of the front yard shall be calculated as the area between the front lot line and the front of the principle dwelling and the area extending from the side lot line to side lot line but subtracting:

- (i) unenclosed entrance porches;

- (ii) vestibules;
- (iii) ramps;
- (iv) front steps;
- (v) chimneys;
- (vi) bay windows;
- (vii) ornamental projections;
- (viii) terraces;
- (ix) platforms; and,
- (x) a walkway between the front entrance of the principal building and the street line or driveway with a maximum width of 0.6 m."

m) That Section 19.(2) be amended by adding a new clause (viii) as follows:

"For purposes of clause 19(2)(vi)(4), the gross area of the side yard shall be calculated as the area between the side lot line and a principle dwelling and the area extending from the front yard to the rear yard subtracting:

- (i) unenclosed entrance porches;
- (ii) vestibules;
- (iii) ramps;
- (iv) side steps;
- (v) chimneys;
- (vi) bay windows;
- (vii) ornamental projections;
- (viii) terraces;
- (ix) platforms;
- (x) alcoves;
- (xi) stairwells; and,
- (xii) a walkway located along the side of the principal dwelling between the front line and the rear line of the principle dwelling with a maximum width of 0.6 m."

n) That Section 19.(2) be amended by adding a new clause (ix) as follows:

"Notwithstanding clause 19.(2)(vi), in cases where at least half the front lot line is curved and the landscaped area of the front yard is less than 50%, the following exemptions for the calculation of the gross area of the front yard shall apply:

- i) a driveway between the front entrance of the garage and the street line with maximum width of:
 - 1) 3.0 m for each door of a one, two or three car garage; or,
 - 2) 5.5 m for a double door of a two car garage; and,

- ii) a walkway between the front entrance of the principal dwelling and the street line or driveway with a maximum width of 0.6 m.

provided all the remaining area shall be landscaped excluding concrete, asphalt, gravel pavers, or other similar materials."

- o) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,
- p) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

J. Thomas

✓ Jahakar

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

In 1992, City Council passed By-law No. 92-281, which established regulations for converted dwellings, including parking. In this regard, parking for only one of the dwelling units may be located in the required front yard provided a minimum of 50% of the front yard is landscaped. The intent of these provisions was to reduce the incidence of paved over front yards, thereby retaining the streetscape and residential character of the area.

Subsequently in 1993, City Council passed By-law No. 93-063 which amended By-law No. 92-281. The effect of the By-law was to prohibit unrequired parking in the front yard of all single and two-family dwellings, unless 50% of the area is landscaped.

One year has passed since the introduction of the new regulations and small technicalities with the by-laws have surfaced. As a result, amendments are required.

OFFICIAL PLAN:

The proposed zoning changes do not conflict with the intent of the Official Plan.

COMMENTS:

The Planning, Building, Traffic and Law Department staff have reviewed the existing Zoning by-law requirements and have the following comments:

- Extension of Landscaping Requirements to Three-Family Dwellings

The current Zoning by-law requires that 50% of the front yard be landscaped if parking is provided in the front yard for all single and two-family dwellings. However, in older areas of the City, there are many instances where three-family dwellings are located on the streets with single and two-family dwellings. This land use pattern has developed since the "D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District regulations, prior to By-law No. 92-281, permitted three-family dwellings. **In this regard, it is appropriate to extend the landscaping requirements to three-family dwellings.**

- Landscaping Provisions for Corner Lots

The intent of the Zoning by-law requirements is to maintain the residential character and the streetscape, in instances where parking is provided in the front yard. The by-law does not address situations where a home is on a corner lot and the side yard abutting the street is paved over to provide parking. **On this basis, the by-law should be amended to require 50% of the side yard to be landscaped where a home is on a corner lot and parking is provided.**

- Introduction of Two New Definitions

For the purposes of calculating the percentage of landscaping in the gross area of the front and side yards, it is appropriate to introduce definitions which clearly list those encroachments that are not considered as part of the "landscaped" area in the front yard (i.e. unenclosed porches, walkways, bay windows, etc.).

- Exemption from Landscaping Requirements for Lots where at Least half the Front Lot Line is Curved (Pie Shaped Lots)

Due to the configuration of pie shaped lots, the provision of a double car driveway, and the location of the houses on the lots, there are instances where the percentage of landscaped area is less than 50%. It should be noted this problem does not occur on every pie shaped lot. This situation primarily occurs where new homes are to be built. It was never the intention of the by-law to prohibit the provision of a double driveway. **Accordingly, the by-law should be amended to allow for the exemption of the**

driveway in cases where the lot configuration, provision of a double driveway and the location of the house results in a landscaped area of less than 50%.

- Changing the definition of Parking Area to Parking Space

The intent of this modification is to more clearly define the area required for landscaping since both definitions currently existing in the Zoning By-law.

CONCLUSION:

Based on the foregoing, the proposed modifications to the Zoning by-law can be supported.

JHE/jhe



CITY COUNCIL
HAMILTON, CANADA

36)
Alderman Don Drury

71 MAIN STREET WEST L8N 3T4 • (416) 546-2730 • RES. (416) 545-7077 - WARD 3

5 July 1994

JUL 08 1994

Tina Agnello
Secretary
Planning & Development Committee

RE: FRONT YARD PARKING

At the July 20, 1994 meeting of the Planning and Development Committee, I will be proposing that a Sub-Committee be struck to consider citizen appeals of the front yard parking issue whenever a homeowners application has been denied.

The Committee can meet on an adhoc basis to consider specific appeals and take into account extraneous issues such as; non-availability of alternative parking on site, a creative landscape proposal in instances where the 50% requirement cannot be met, senior citizen or mobility impaired homeowner does not have access to alternative parking etc.

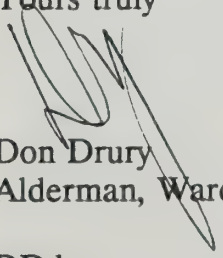
No doubt there will be some homeowners who will be unable to meet one of the requirements and are desperate to obtain front yard parking permission.

The adhoc committee could be formed by both Ward Aldermen and another Alderman to act as Chair of the Committee.

I would envision that the requirement to meet may be once or twice during the construction season and perhaps once during off season. Most of the applications would be for the lower city.

For your information.

Yours truly



Don Drury
Alderman, Ward 3

DD:br

cc: Bernie Morelli, Alderman Ward 3



4.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1994 July 8 JUL 12 1994
(CD-93-003)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V. J. Abraham
Director of Local Planning

SUBJECT:

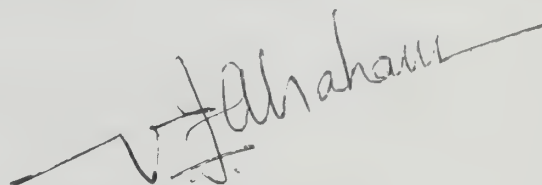
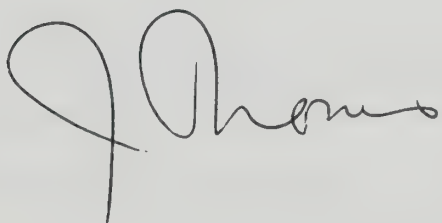
Rental Housing Protection Act Application CD-93-003 -
5-7 Rockwood Place, 9-11 Rockwood Place, 362-366 John St. South and 21-25 Mountwood Ave.
Corktown Neighbourhood

RECOMMENDATIONS:

1. That approval be given to Application CD-93-003, under the Rental Housing Protection Act, L.A.J.J. Enterprises Inc., owner, for conversion of 53 rental apartment units to condominium units for one property located at 5-7 Rockwood Place, 9-11 Rockwood Place, 362-366 John Street South and 21-25 Mountwood Avenue, subject to the following conditions:
 - (a) That the Owner offer, in writing, to the Tenants named in Appendix "A", the right to lease their current unit, noted in Appendix "A", for a period of not less than one year from the registration on title of the Rental Housing Protection Act (RHPA) Approval Agreement required below, at the rent rate set out in Appendix "A", upon the following minimum terms:
 - (i) the Offer must be made within 45 days of the date this resolution is approved by City Council and shall be open for acceptance by the Tenants for a period of at least 21 days;

- (ii) that leases entered into as a result of (i) above, be executed prior to the City's execution of the RHPA Approval Agreement;
 - (iii) that the Tenants' rent shall not be increased during the duration of the lease but for increases permitted under the Residential Rent Regulation Act, as amended;
 - (iv) that such lease shall commence on the date the Owner's Offer is accepted by signature of the Tenant; and,
 - (v) that the Tenants' may terminate the said lease at any time on 60 days written notice, without penalty.
- (b) That the Owner grant to the Tenants named in Appendix "A" an Option to Purchase a Unit specified in Appendix "A", (together with appurtenant interests). Such Option shall allow each tenant at least one year from the registration on title of the RHPA Approval Agreement to exercise their Option to purchase a unit. Within forty-five (45) days of a Tenant's Notice that it is exercising the Option, the Owner and Tenant shall negotiate and enter into an Agreement of Purchase and Sale form, in a form acceptable to the Hamilton Real Estate Board, with the necessary amendments for the sale of a Unit by the Owner, which Agreement shall incorporate the conditions in Appendix "B" annexed hereto;
- (c) That the Tenant shall have 30 days from receipt of such Option to sign and return to the Owner a copy of the Option acknowledging that he is interested in having the Option in his/her favour and acknowledging that he/she realizes that a formal Notice in writing to the Owner signed by the Tenant shall be received by the Owner on or before the date for such Notice specified in the Option;
- (d) That this RHPA approval shall cease and be at an end,
- (i) if the Owner has sold the land without entering and registering the RHPA Approval Agreement with the City; and,
 - (ii) in any event, within five years from the date of this approval resolution of Council, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton;
- (e) That the Owner shall enter into a RHPA Approval Agreement with the City satisfactory in form to the Director of Local Planning and to the City Solicitor, incorporating the City's conditions of approval listed herein (and in Appendix "C" annexed hereto) and register such Agreement on title to the subject property prior to the issuance of the RHPA Certificate of Approval;

- (f) In the event that the Owner proposes to sell all of the subject lands, he shall ensure that any prospective new land owner of the whole property, enters into an assumption agreement to assume the obligations of the Owner herein; and,
2. That upon satisfaction of the above-noted conditions, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner

L.A.J.J. Enterprises Inc.

Nature of Application

An application under the Ontario Rental Housing Protection Act (RHPA) for the property at 5-7 Rockwood Place, 9-11 Rockwood Place, 362-366 John Street South and 21-25 Mountwood Avenue in Hamilton was submitted to the City on December 22, 1993. The proposal is to convert 53 rental apartment units to condominium. The applicant's agent has indicated the 24 one-bedroom units will be sold for \$70,000, the 28 two-bedroom units will be sold for \$80,000 and the one bachelor unit will be sold for \$35,000. The applicant's agent has also indicated that existing tenants could purchase units for 10 percent less than the above-noted prices. The subject property is shown on the attached key map.

Existing Buildings

The property is comprised of four separate apartment buildings, each four storeys in height and with a total floor area of approximately 21,000 square feet. A total of 53 rental apartment units are contained within the four apartment buildings comprised of 24 one-bedroom units, 28 two-bedroom units and one bachelor unit. As of July 1, 1994, 4 of the 53 units in the buildings were vacant.

The buildings were constructed in 1932. Recognizing the age of the structures, the applicant was requested to provide an independent physical inspection report of the buildings. The physical inspection report, dated February 21, 1994 and prepared by Mr. N. DeFilippis P.Eng., noted "the four buildings are in sound and stable condition". As well, the physical inspection report outlined a number of recommendations in regard to building renovation. The applicant's agent has indicated the renovations will be completed if the conversion to condominium is approved, the details of which are described on the following page.

The Building Department has reviewed the physical inspection report and commented the report "reflects correctly the present property conditions and the remedial work indicated should bring the property up to an acceptable standard".

On July 7, 1994, an "Order to Comply" was issued for unit #7 at 21-25 Mountwood Avenue as the "ceiling (near collapse due to roof leak) was been rendered unsafe causing a condition that could be hazardous to the health or safety of persons in the normal use of the apartment unit". The Building Department inspector was notified by the owner that the repairs to the roof would commence the week of July 11th, 1994.

Proposed Conversion Details

The applicant, in correspondence to tenants dated December 21, 1993 and confirmed with Planning and Development Department staff and the applicant's agent on June 16, 1994, has indicated renovations will occur to each of the units and the buildings upon approval of the RHPA application. These renovations include the following:

- Existing parking lot to be resurfaced and new light standards installed;
- New thermal windows;
- New heating system and plumbing;
- New jacuzzi tub, toilet and sink;
- Ceramic kitchen floors and backsplash;
- Ceramic tile washrooms, floors and walls;
- New kitchen cupboards and countertops;
- New drywall in amenity areas, or repaired;
- Refinish or repair hardwood floor, or install carpeting;
- New electrical wiring;
- New fridge and stove; and.
- Fresh coat of paint.

The applicant's agent has estimated the cost per unit to complete the above renovations at approximately \$15,000 - \$20,000.

In June, 1994 the applicant circulated a leaflet seeking the intentions of tenants in regard to the conversion to condominium proposal. A follow-up telephone call was initiated by the applicant's agent to tenants who did not respond to the leaflet. The results of the circulation and telephone follow-up are as follows:

Tenant Interested in Purchasing a Unit	- 13
Tenant Not Interested in Purchasing a Unit	- 8
Undecided	- 4
Planning to Purchase a House	- 2
Wants to Remain as a Tenant	- 3
Intends to Move Out	- 6
Vacant/No Response/Unable to Contact Tenant	- 17
 Total Units	 - 53

Rent Details

The monthly rental charges for the units, effective September, 1993, are as follows:

- The one bachelor unit has a monthly rent of \$220.00;
- The 24 one-bedroom units have a monthly rent of \$569.63; and,
- The 28 two-bedroom units have a monthly rent of \$618.51.

APPLICABILITY OF THE RENTAL HOUSING PROTECTION ACT:

The purpose of the Act is to protect the supply of rental housing. The Act regulates changes to rental housing units including renovations, conversion to condominium and other uses, demolitions and severances. The rental apartment units at 5-7 Rockwood Place, 9-11 Rockwood Place, 362-366 John Street South and 21-25 Mountwood Avenue are subject to the Act since the applicant intends to convert the apartment units to condominium.

Council may approve this application if, as noted by the Province, "it considers that the loss of these 53 affordable units does not constitute an adverse effect on Hamilton's supply of affordable rental housing. Should Council decide to approve the application, it may wish to impose conditions on the approval, such as provision of the tenants with the first right of refusal on purchase of their unit, or other conditions to help ensure satisfactory housing options for the tenants".

ANALYSIS OF IMPACT/EFFECT ON THE RENTAL HOUSING MARKETPLACE:

City Council may approve the application through Regulation O.R. 1000 of the Rental Housing Protection Act if, in Council's opinion, the removal of these 53 rental units will not adversely affect the supply of affordable rental housing in the City.

Data from the semi-annual Canada Mortgage and Housing Corporation (hereafter referred to as "CMHC") Rental Market Report is used to ascertain potential impacts on the rental housing marketplace of the proposed condominium conversion. CMHC has divided the City into seven geographic zones; the subject property is located within "Zone 1 - Downtown Core Zone". The Downtown Core Zone is bounded on the south by the Escarpment, on the west by Queen Street, on the north by Cannon Street and on the east by Wentworth Street.

Rental Housing Supply

The proposed conversion of the units would have a negligible impact on the overall supply of rental housing in the City and the immediate area. It would represent a reduction of 0.17 percent in the 31,371 apartment units (in structures containing six or more units) in Hamilton and a reduction of 0.49 percent in the 10,911 apartment units (in structures containing six or more units) in the Downtown Core Zone.

Monthly Rents

The existing rents are within the "affordable" range for the Hamilton area, as defined by the most recent Land Use Planning for Housing Policy Statement Information Bulletin (1992). The Information Bulletin notes that units with rents of \$810 or less per month are "affordable" for the Hamilton area. The 1994 monthly rents for the existing one and two-bedroom units range from \$569.63 to \$618.51 (rents from September, 1993 to September, 1994). This makes the units affordable to households between the 43rd and 48th household income percentile, according to the Information Bulletin.

	<u>Average Rent Levels</u> <u>October, 1993</u>		
	<u>Total Hamilton</u>	<u>Downtown Core Zone</u>	<u>Subject Property</u>
Bachelor	\$382	\$383	\$220
One-Bedroom	\$470	\$481	\$570
Two-Bedroom	\$568	\$617	\$619

As shown in the table above, the one-bedroom monthly rents in the subject property are higher than the average rent levels for Hamilton as a whole and for the Downtown Core Zone. The monthly rents for two-bedroom units are consistent with average two-bedroom rents in the Downtown Core Zone and slightly higher than the average two-bedroom rent level recorded for the City as a whole. Although the rent for the bachelor unit in the subject property is lower than either the City or the Downtown Core Zone average rent levels, there is only one bachelor unit in the project.

Vacancy Rates

As recorded by CMHC at April, 1994, the rental apartment vacancy rate for the City was 2.5 percent (in structures containing six or more units). Apartment vacancy rates for the City have been increasing gradually since 1989, and reached 2.3 percent in April, 1992, for the first time in recent years. A vacancy rate between 2.0 percent and 3.0 percent is considered by CMHC as indicative of a healthy, competitive rental marketplace in a municipality.

The apartment vacancy rate for the Downtown Core Zone was recorded at 3.2 percent in April, 1994. This level is consistent with previous vacancy rate measures for this zone, which have been at or over 2.0 percent since April, 1991. For one-bedroom apartments, the vacancy rate in the City at April, 1994 was 2.6 percent and 3.8 percent for the Downtown Core Zone. For two-bedroom apartments, the vacancy rate in the City at April, 1994 was 2.1 percent and 2.8 percent for the Downtown Core Zone. Therefore, the current apartment vacancy rates for the City of Hamilton as a whole and the Downtown Core Zone are within the competitive or healthy range.

Approval of the condominium conversion proposal would lower the vacancy rate marginally to 3.22 percent from 3.24 percent in the Downtown Core Zone. The proposal would lower the vacancy rate in the City as a whole from 2.49 percent to 2.48 percent.

Potential Alternative Accommodation

As of October, 1993 (latest available data) there were approximately 139 vacant one-bedroom units in the Downtown Core Zone with monthly rent charges in the range of \$480 to \$579 (excluding the vacant rental units at the subject property). For two-bedroom units, there were approximately 45 vacant units with monthly rent charges in the range of \$540 to \$659. This suggests there is an adequate supply of alternative rental accommodation within a similar price range and within the same geographic area of the subject property.

Summary

The Act states that City Council must be satisfied as to whether there is an adverse impact on affordable rental housing. Based on the foregoing analysis of rental supply, monthly rents, vacancy rates and potential alternative accommodation, the removal of the 53 rental units would not cause an adverse impact on the supply of affordable rental housing or on the related vacancy rates for the City or the Downtown Core Zone. Moreover, it does not appear it will be difficult for tenants to secure alternative rental accommodation in the same general area of the subject property based on the number of vacant apartment units in a similar rent range.

AFFORDABILITY OF CONVERTED UNITS:

The applicant's agent has indicated the units will be sold at the following prices:

Bachelor	- \$35,000
One-Bedroom	- \$70,000
Two-Bedroom	- \$80,000

According to the Land Use Planning for Housing Policy Statement Information Bulletin (1992) these units would be "affordable" as ownership dwellings. With a 25 percent downpayment, the units would be affordable to those between the 26th and 31st household income percentile. For existing tenants, taking into consideration the 10 percent discount, assuming a 25 percent downpayment and prevailing mortgage interest rates (July 4, 1994), one-bedroom units would be affordable to households earning between \$20,600 and \$22,900 annually and two-bedroom units would be affordable to households earning between \$22,800 and \$25,400 annually.

At a price of \$70,000 for the one-bedroom units, the units would be affordable to households earning between \$22,300 and \$24,900 annually and two-bedroom units at a price of \$80,000 would be affordable to households earning between \$24,800 and \$27,700 annually.

IMPACT ON EXISTING TENANTS:

Some of the anticipated impacts on existing tenants have been noted in the preceding discussion, including the fact that it will likely not be difficult for them to find replacement accommodation in the same price range. In addition, based on the results of the tenant's intentions survey conducted earlier this year there is some degree of support for the proposed conversion.

The applicant's agent has also indicated that during the time the units are undergoing renovation, remaining tenants/future owners can transfer to other units within the complex if they are disturbed or inconvenienced by the renovation activity.

CONDITIONS OF APPROVAL:

In general with RHPA applications, if there are concerns about the impacts on tenants and possible displacement of tenants as a result of approval of applications, Committee can make approval conditional on the preparation of an approval agreement, to ensure the existing tenants have available to them a number of acceptable housing options. This might include, for example, providing them with a period of time in which to find suitable replacement accommodation.

Such conditions of approval have been approved by City Council in the case of previous RHPA applications, such as 515 Main Street East and 293 Limeridge Road West. In approving these applications for conversion to condominium use, Council required that the owners enter into legal agreements protecting the interests of existing tenants, by requiring that the tenants have long-term leases at the existing legal rent rates, and giving them the right to purchase a unit at a maximum specified price.

The proposed conditions of approval, in abbreviated form, are as follows. The complete list of conditions are contained in the Recommendations and Appendices:

- The owner will offer tenants an option to purchase a unit within one year from the registration on title of the RHPA Approval. The sale is to be completed within 120 days, unless otherwise agreed by the Tenant;
- The purchase price, to be negotiated and agreed upon by the owner and tenant, is not to exceed \$72,000 for a two-bedroom unit, \$63,000 for a one-bedroom unit and \$35,000 for a bachelor unit, or as otherwise outlined in the agreement;
- The owner will offer to tenants a lease for up to one year, at current rents;

- The owner is to enter into an RHPA Approval Agreement with the City incorporating the City's conditions of approval, to be registered on title to the property;
- The approval will end if the Owner has sold the land without entering and registering the Approval Agreement with the City; and, in any event, within 5 years of approval;
- The owner will cause a new land owner if any to enter into an agreement with each Tenant to assume these obligations of the owner to the tenants; and,
- The RHPA Approval Agreement, leases and options to purchase will be prepared by the owner and registered by the Owner at its expense, including payment of registration fees;

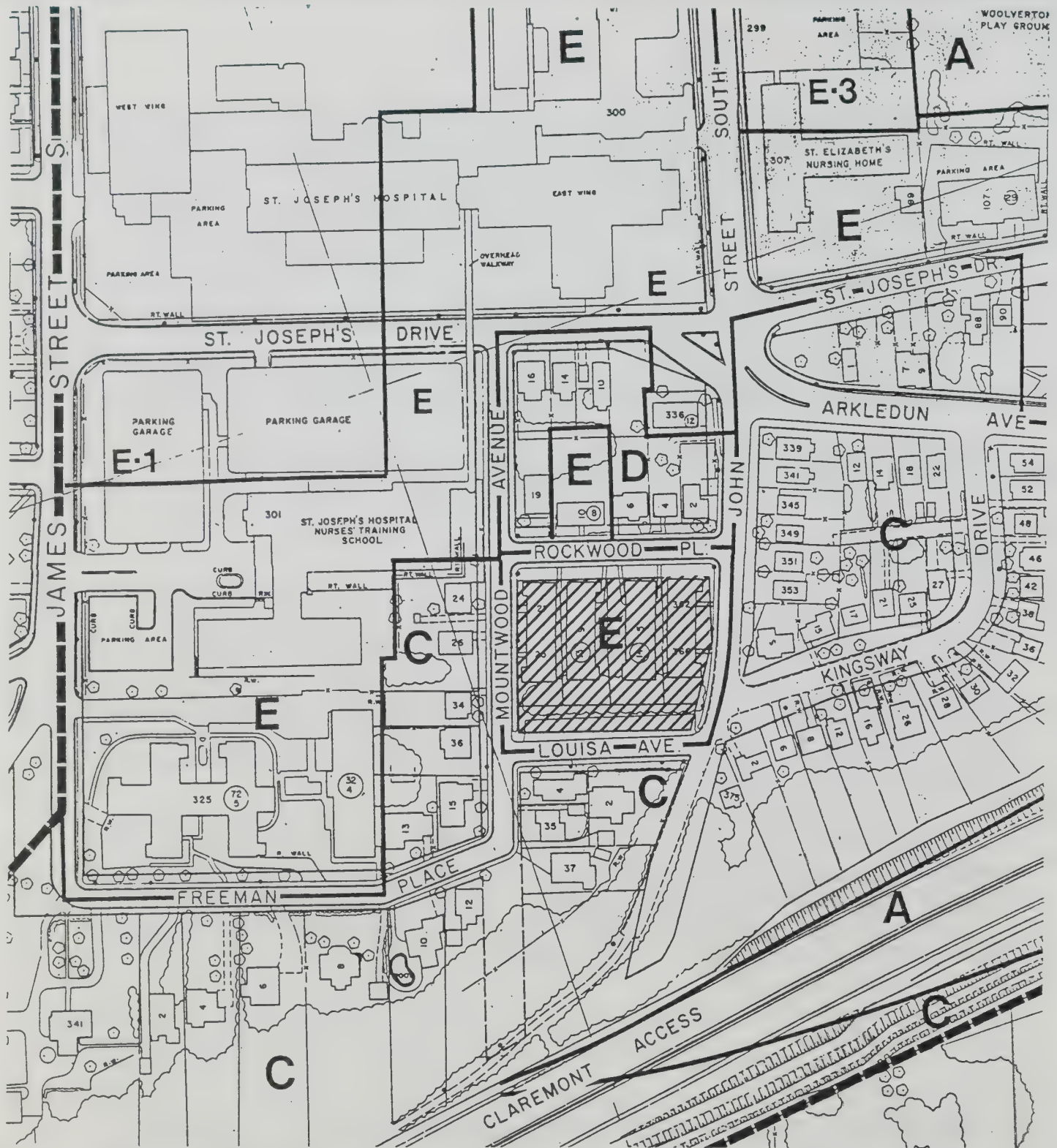
Upon satisfaction of the above-noted conditions, the City Clerk will be authorized to execute the RHPA Certificate of Approval in a form satisfactory to the City Solicitor.

CONCLUSION:

Based on a review of several housing market statistical indicators, the proposed conversion to condominium of the 53 apartment units will not cause an adverse impact on the supply of affordable rental housing in Hamilton or in the Downtown Core. Rental vacancy rates are at competitive levels and have been for the past several years and there are a large number of similarly priced vacant units available. In addition, the proposed conversion will result in the creation of "affordable" ownership housing that reaches a segment of the marketplace which has not been in a position to attain home ownership in recent years.

As in previous RHPA applications, it is appropriate that some degree of flexibility be provided to tenants who may be affected by the conversion. Accordingly, tenants should have the option of staying in their units for an additional one-year period upon registration of the Approval Agreement. As well, the applicant has made a commitment to the tenants that the units will be sold at a maximum specified price. It is desirable to recognize this commitment within the Approval Agreement.

KE/



City of Hamilton Key Map

Rental Housing Protection Act
CD-93-003 21 - 25 Mountwood Ave.
5 - 7 Rockwood Place
9 - 11 Rockwood Place
362 - 366 John Street S.

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Location of Subject Lands.

North



Scale
Not to Scale

Date
JUNE 1994

Reference File No.
CD-93-003

Drawn By
Z.K.

APPENDIX "A"

TENANTS AND MONTHLY RENTAL CHARGES AS OF JULY 1, 1994

362-366 John Street South

Apt. 1	Simon Head 362 John Street South Hamilton, Ontario L8N 2E4 Two-Bedroom/\$618.51	Apt. 7	Michele McLeod 362 John Street South Hamilton, Ontario L8N 2E4 Two-Bedroom/\$618.51
Apt. 2	Brenda Doxtator 362 John Street South Hamilton, Ontario L8N 2E4 One-Bedroom/\$569.63	Apt. 8	Eric Martinez 366 John Street South Hamilton, Ontario L8N 2E4 One-Bedroom/\$569.63
Apt. 3	Robert McGuffin Joan McGuffin 362 John Street South Hamilton, Ontario L8N 2E4 Two-Bedroom/\$618.51	Apt. 9	Glen Prosser 366 John Street South Hamilton, Ontario L8N 2E4 Two-Bedroom/\$618.51
Apt. 4	Bruce Young Jennifer Cox 362 John Street South Hamilton, Ontario L8N 2E4 One-Bedroom/\$569.63	Apt. 10	Jerry Guérini 366 John Street South Hamilton, Ontario L8N 2E4 One-Bedroom/\$569.63
Apt. 5	VACANT 362 John Street South Hamilton, Ontario L8N 2E4 Two-Bedroom/\$618.51	Apt. 11	Lynda Farrell 366 John Street South Hamilton, Ontario L8N 2E4 Two-Bedroom/\$618.51
Apt. 6	Dennis Oliver 362 John Street South Hamilton, Ontario L8N 2E4 One-Bedroom/\$569.63	Apt. 12	Scott Hamilton 366 John Street South Hamilton, Ontario L8N 2E4 One-Bedroom/\$569.63
		Apt. 14	Martha Wilson 366 John Street South Hamilton, Ontario L8N 2E4 Two-Bedroom/\$618.51

21-25 Mountwood Avenue

Apt. 1	Barbara Rivero 21 Mountwood Avenue Hamilton, Ontario L8N 2G8 Two-Bedroom/\$618.51	Apt. 8	Delilah Bain 25 Mountwood Avenue Hamilton, Ontario L8N 2G8 One-Bedroom/\$569.63
Apt. 2	Bruce Young 21 Mountwood Avenue Hamilton, Ontario L8N 2G8 One-Bedroom/\$569.63	Apt. 9	VACANT 25 Mountwood Avenue Hamilton, Ontario L8N 2G8 Two-Bedroom/\$618.51
Apt. 3	VACANT 21 Mountwood Avenue Hamilton, Ontario L8N 2G8 Two-Bedroom/\$618.51	Apt. 10	Andrew Holman Andrea Doty 25 Mountwood Avenue Hamilton, Ontario L8N 2G8 One-Bedroom/\$569.63
Apt. 4	Rose Giglia 21 Mountwood Avenue Hamilton, Ontario L8N 2G8 One-Bedroom/\$569.63	Apt. 11	Alex Gillespie 25 Mountwood Avenue Hamilton, Ontario L8N 2G8 Two-Bedroom/\$618.51
Apt. 5	Diane Harding 21 Mountwood Avenue Hamilton, Ontario L8N 2G8 Two-Bedroom/\$618.51	Apt. 12	Jim Bird 25 Mountwood Avenue Hamilton, Ontario L8N 2G8 One-Bedroom/\$569.63
Apt. 6	Don Kirovac 21 Mountwood Avenue Hamilton, Ontario L8N 2G8 One-Bedroom/\$569.63	Apt. 14	Alex MacDougall 25 Mountwood Avenue Hamilton, Ontario L8N 2G8 Two-Bedroom/\$618.51
Apt. 7	Laura Kaneva 21 Mountwood Avenue Hamilton, Ontario L8N 2G8 Two-Bedroom/\$618.51		

5-7 Rockwood Place

Apt. 1	Juliane Begg 5 Rockwood Place Hamilton, Ontario L8N 2G3 Two-Bedroom/\$618.51	Apt. 8	Brian Luckett 5 Rockwood Place Hamilton, Ontario L8N 2G3 One-Bedroom/\$569.63
Apt. 2	Duane Sullivan 5 Rockwood Place Hamilton, Ontario L8N 2G3 One-Bedroom/\$569.63	Apt. 9	Walter Giansante 5 Rockwood Place Hamilton, Ontario L8N 2G3 Two-Bedroom/\$618.51
Apt. 3	Mohammed Boumerzoug 5 Rockwood Place Hamilton, Ontario L8N 2G3 Two-Bedroom/\$618.51	Apt. 10	Pamela Heit 5 Rockwood Place Hamilton, Ontario L8N 2G3 One-Bedroom/\$569.63
Apt. 4	Christopher Redford 5 Rockwood Place Hamilton, Ontario L8N 2G3 One-Bedroom/\$569.63	Apt. 11	Richard Rodriguez 5 Rockwood Place Hamilton, Ontario L8N 2G3 Two-Bedroom/\$618.51
Apt. 5	Julianne Waller 5 Rockwood Place Hamilton, Ontario L8N 2G3 Two-Bedroom/\$618.51	Apt. 12	Wayne Savoy 5 Rockwood Place Hamilton, Ontario L8N 2G3 One-Bedroom/\$569.63
Apt. 6	Roger McCreary 5 Rockwood Place Hamilton, Ontario L8N 2G3 One-Bedroom/\$569.63	Apt. 14	Cari Addison 5 Rockwood Place Hamilton, Ontario L8N 2G3 Two-Bedroom/\$618.51
Apt. 7	Yvonne McLaughlin 5 Rockwood Place Hamilton, Ontario L8N 2G3 Two-Bedroom/\$618.51	Apt. 15	Robert Arthur 5 Rockwood Place Hamilton, Ontario L8N 2G3 Bachelor/\$220.00

9-11 Rockwood Place

Apt. 1 James Burchell
9 Rockwood Place
Hamilton, Ontario
L8N 2G3

Two-Bedroom/\$618.51

Apt. 2 Henry Jonas
9 Rockwood Place
Hamilton, Ontario
L8N 2G3

One-Bedroom/\$569.63

Apt. 3 Catherine Boucher
9 Rockwood Place
Hamilton, Ontario
L8N 2G3

Two-Bedroom/\$618.51

Apt. 4 Gary Townsend
Dawn Townsend
9 Rockwood Place
Hamilton, Ontario
L8N 2G3

One-Bedroom/\$569.63

Apt. 5 Daryl MacTavish
9 Rockwood Place
Hamilton, Ontario
L8N 2G3

Two-Bedroom/\$618.51

Apt. 6 Teresa Dupuis
Maureen Newport
9 Rockwood Place
Hamilton, Ontario
L8N 2G3

One-Bedroom/\$569.63

Apt. 7 Scott Morgan
9 Rockwood Place
Hamilton, Ontario
L8N 2G3

Two-Bedroom/\$618.51

Apt. 8 Anna Stranges
Antonieta Stranges
9 Rockwood Place
Hamilton, Ontario
L8N 2G3

One-Bedroom/\$569.63

Apt. 9 Susan Breckenridge
9 Rockwood Place
Hamilton, Ontario
L8N 2G3

Two-Bedroom/\$618.51

Apt. 10 VACANT
9 Rockwood Place
Hamilton, Ontario
L8N 2G3

One-Bedroom/\$569.63

Apt. 11 Robert Simmons
9 Rockwood Place
Hamilton, Ontario
L8N 2G3

Two-Bedroom/\$618.51

Apt. 12 Mark Lyons
9 Rockwood Place
Hamilton, Ontario
L8N 2G3

One-Bedroom/\$569.63

Apt. 14 Jerry Wahler
9 Rockwood Place
Hamilton, Ontario
L8N 2G3

Two-Bedroom/\$618.51

APPENDIX "B"

The Agreement of Purchase and Sale shall provide,

- (a) that the sale shall be completed within One Hundred and Twenty (120) days of execution of the agreement, unless otherwise agreed by the Tenant and Landlord; and,
- (b) that the purchase price for a Unit be the price agreed upon between the Owner and the Tenant which price shall:
 - (i) not exceed Seventy-Two Thousand Dollars (\$72,000.00) for a two-bedroom unit; and
 - (ii) not exceed Sixty-Three Thousand Dollars (\$63,000.00) for a one-bedroom unit; and
 - (iii) not exceed Thirty-Five Thousand Dollars (\$35,000.00) for the bachelor unit.

In the event the purchase price is not agreed upon for the one-bedroom and two-bedroom units, the purchase price shall be the lesser of \$72,000 Thousand Dollars for a two-bedroom unit and \$63,000 Thousand Dollars for a one-bedroom unit or the average sale price of similar units on the same property that have closed prior to the time the Option is exercised by the Tenant.

In the event that a purchase price less than Thirty-Five Thousand Dollars (\$35,000.00) is not agreed upon for the bachelor unit, an accredited appraiser of real property shall be retained at the expense of the owner to provide an estimate of the fair market value of the bachelor unit, which price, if lower than Thirty-Five Thousand Dollars (\$35,000.00), shall constitute the purchase price of the unit.

APPENDIX "C"

The conditions of RHPA approval are subject to the following standard terms, which terms shall form part of the applicable document:

- (a) The following documents, namely the RHPA Approval Agreement, the leases and the Options to Purchase shall be prepared by the Owner and registered by the Owner at its expense, including payment of registration fees.
- (b) If the Tenant at any time vacates their rental unit, the Tenant's rights pursuant to lease and the Option to Purchase shall cease. The Tenant may not enter into an Agreement of Purchase and Sale unless the Tenant is at the time of its execution in possession of a rental unit.
- (c) The Tenant's rights under the RHPA Approval Agreement, the lease, and the Option to Purchase shall be personal to the named Tenant(s) only and not assignable by the Tenant(s) to anyone, unless approved by the owner, in the owners absolute discretion.
- (d) If the Director of Local Planning receives a declaration from the Owner that a Tenant named in Appendix "A" has not, or does not want, to enter into the said lease or the said Option or both of them, or that the Tenant has vacated the rental unit, the Director of Local Planning shall send by registered mail to the Tenant at the rental unit listed in Appendix "A", a Notice that the Tenant's rights to the lease or Option, as the case may be, shall cease within twenty-one days of the mailing of the Notice unless the Tenant is still in possession of the premises and has within the said twenty-one day period, collected such document from the Owner and returned to the Owner a copy of the document signed by the Tenant. The Owner shall sign and return the document to the Tenant in accordance with the other time limits of this approval.

Sa)

CITY OF HAMILTON
- RECOMMENDATION -

JUL 12 1994

DATE: 1994 June 29
(DE-93-001)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

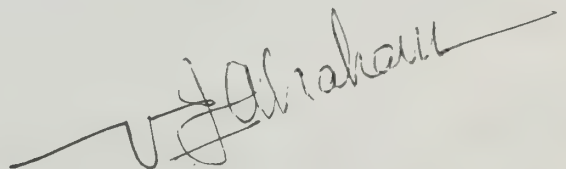
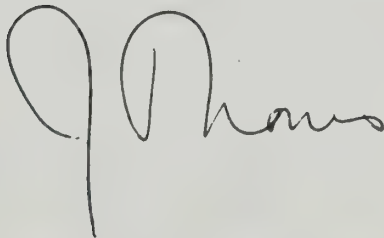
Mr. V. J. Abraham
Director of Local Planning

SUBJECT: Rental Housing Protection Act Application DE-93-001 - Nos. 322-326 King Street East (Beasley Neighbourhood)

RECOMMENDATION:

That approval be given to Application DE-93-001, under the Rental Housing Protection Act, Hamilton-Lincoln Towers, Inc., owner, for demolition of a mixed commercial/residential building containing three (3) commercial units and eight (8) rental apartment units, for property located at 322-326 King Street East, as shown on the attached map marked as APPENDIX "A", on the following basis:

- a) the application meets criteria #3 of the Rental Housing Protection Act which states "the proposal does not adversely affect the supply of affordable rental housing".



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner:

Hamilton-Lincoln Towers Inc., owner.

Nature of Application

Application was made under the Rental Housing Protection Act (RHPA) was made for demolition of the existing building. The subject property is shown on the attached key map.

The applicant's agent has indicated "the eventual intent is to construct a building on the subject site. The subject site holds significant promise with the redevelopment of that portion of King Street East."

In addition, it should be noted the owner has made an application to the Building Department for demolition. A report dealing with the demolition permit will be submitted under separate cover by the Building Department.

Existing Buildings

The existing building is three storeys in height and contains three commercial units on the ground floor and 8 residential units (four bachelor units, one, one-bedroom unit and three, two bedroom units) on the above two floors. There is also a one storey garage located at the rear of the building.

As of July 1994, the three commercial units were occupied by a variety store, hairdresser establishment and a used bookstore. The eight residential units have been vacant since July 1993.

The building is listed on the City's "Inventory of Buildings of Architectural/Historical Interest".

Rent details

The applicant has indicated the rents for the apartment units, when occupied, were as follows:

- Bachelor \$241 per month
- One-bedroom \$309 per month
- Two-bedroom \$460 per month

The rent for the commercial units is not relevant since the RHPA only applies to the residential

portion of the building.

APPLICABILITY OF THE RENTAL HOUSING PROTECTION ACT:

The purpose of the Act is to protect the supply of rental housing. The Act regulates changes to rental housing units including renovations, conversion to condominium and other uses, demolitions and severances. The rental apartment units at 322-326 King Street East are subject to the Act since the applicant intends to demolish the building.

Council may approve this application if at least one of the criteria under the Act is met. For the purposes of this application two of the three criteria apply:

- 1) if Council finds that a rental property for which an application is made for demolition is structurally unsound (criteria #1); and,
- 2) if the proposal does not adversely affect the supply of affordable rental housing (criteria #3).

Analysis of the Building Condition Report (Criteria #1)

City Council, under Section 11(4) of the Act may request the applicant to submit a report, prepared by a qualified person (i.e. engineer, architect) detailing the condition of the building and determining whether the building is "structurally unsound". The Planning and Development Department requested such a report, and as a result, the firm Moller and Hassell, Architect and Engineer Inc. prepared the necessary report.

The independent report concluded that:

"The building is currently uninhabitable and unsafe. Renovation costs far exceed a viable level of acceptable rents.

For the above reasons demolition is the only acceptable alternative."

The Building Department has reviewed the report, dated May 20, 1994, and offered the following comments:

"There are many items which require repair or replacement in order to make the building habitable, however the structure is not in danger of imminent collapse. Therefore, an Unsafe Order to demolish the building **cannot be recommended this time.**"

Based on the criteria of the Act, the building is considered to be structurally sound.

Analysis of Impact/Effect on the Rental Housing Marketplace (Criteria #3)

Data from the semi-annual Canada Mortgage and Housing Corporation (CMHC) Rental Market Report is used to ascertain potential impacts on the rental housing marketplace of the proposed condominium conversion. CMHC has divided the City into seven geographic zones; the subject property is located within "Zone 1 - Downtown Core Zone". The Downtown Core Zone is bounded on the south by the Escarpment, on the west by Queen Street, on the north by Cannon Street and on the east by Wentworth Street.

Rental Housing Supply

The proposed demolition of the existing building would have a negligible impact on the overall supply of rental housing in the City and the immediate area. It would represent a reduction of 0.026 percent in the 31,371 apartment units (in structures containing 6 or more units) in Hamilton and a reduction of 0.073 percent in the 10,911 apartment units (in structures containing 6 or more units) in the Downtown Core Zone.

Monthly Rents

The most recent rents are within the "affordable" range for the Hamilton area, as defined by the most recent Land Use Planning for Housing Policy Statement Information Bulletin (1992). The Information Bulletin notes that units with rents of \$810 or less per month are "affordable" for the Hamilton area. The 1993 monthly rents for the bachelor, one and two-bedroom units range from \$241 to \$460 (rents as of July 1993). This makes the units affordable to households between the 16th and 36th household income percentile, according to the Information Bulletin.

	<u>Average Rent Levels</u> <u>October, 1993</u>		
	<u>Total</u> <u>Hamilton</u>	<u>Downtown</u> <u>Core Zone</u>	<u>Subject</u> <u>Property</u>
Bachelor (4 units)	\$382	\$383	\$241
One-Bedroom (1 unit)	\$470	\$481	\$309
Two-Bedroom (3 units)	\$568	\$617	\$460

As shown in the above table, the bachelor, one and two bedroom monthly rents in the subject property are lower than the average rent levels for Hamilton as a whole and for the Downtown Core Zone.

Vacancy Rates

As recorded by CMHC in April, 1994, the rental apartment vacancy rate for the City was 2.5 percent (in structures containing six or more units). Apartment vacancy rates for the City have been increasing since 1989, and reached 2.3 percent in April, 1992, for the first time in recent years. A vacancy rate between 2.0 percent and 3.0 percent is considered to be indicative of a healthy, competitive rental marketplace in a municipality.

The apartment vacancy rate for the Downtown Core Zone was recorded at 3.2 percent in April, 1994. This level is consistent with previous vacancy rate measures for this zone, which have been at or over 2.0 percent since April, 1991. Therefore, the current vacancy rates for the City of Hamilton as a whole and the Downtown Core Zone are within the competitive or healthy range.

For bachelor units, the vacancy rate in the City in April, 1994 was 5.6 percent, and 2.8 percent for the Downtown Core Zone. However, for units within the same price range as the subject units, the vacancy rate was recorded as 18.3% and 19.4% for the Downtown Core. **In this regard, the vacancy rates for bachelor units within this rent range are in the competitive range.**

Summary

Based on the above,

- according to criteria #1 under the Act, the building is not considered to be structurally unsound:
- according to criteria #3, the demolition would not have an adverse impact on the supply of affordable rental housing for the following reasons:
 - the rental vacancy rate for apartments with 6 or more units in Hamilton and the downtown core is acceptable (2.5 percent and 3.2 percent, respectively);
 - the rental vacancy rate for bachelor units within the \$241 rent range in the City and the Downtown core is acceptable (18.3 percent and 19.4 percent)

PLANNING CONSIDERATIONS

Notwithstanding the recommendation for approval under the Rental Housing Protection Act, the demolition of this building is contrary to the actions being undertaken by the municipality to revitalize the downtown core, the heart of the City.

From heritage and land use planning perspectives, the following points illustrate the negative impacts this demolition will have on the downtown:

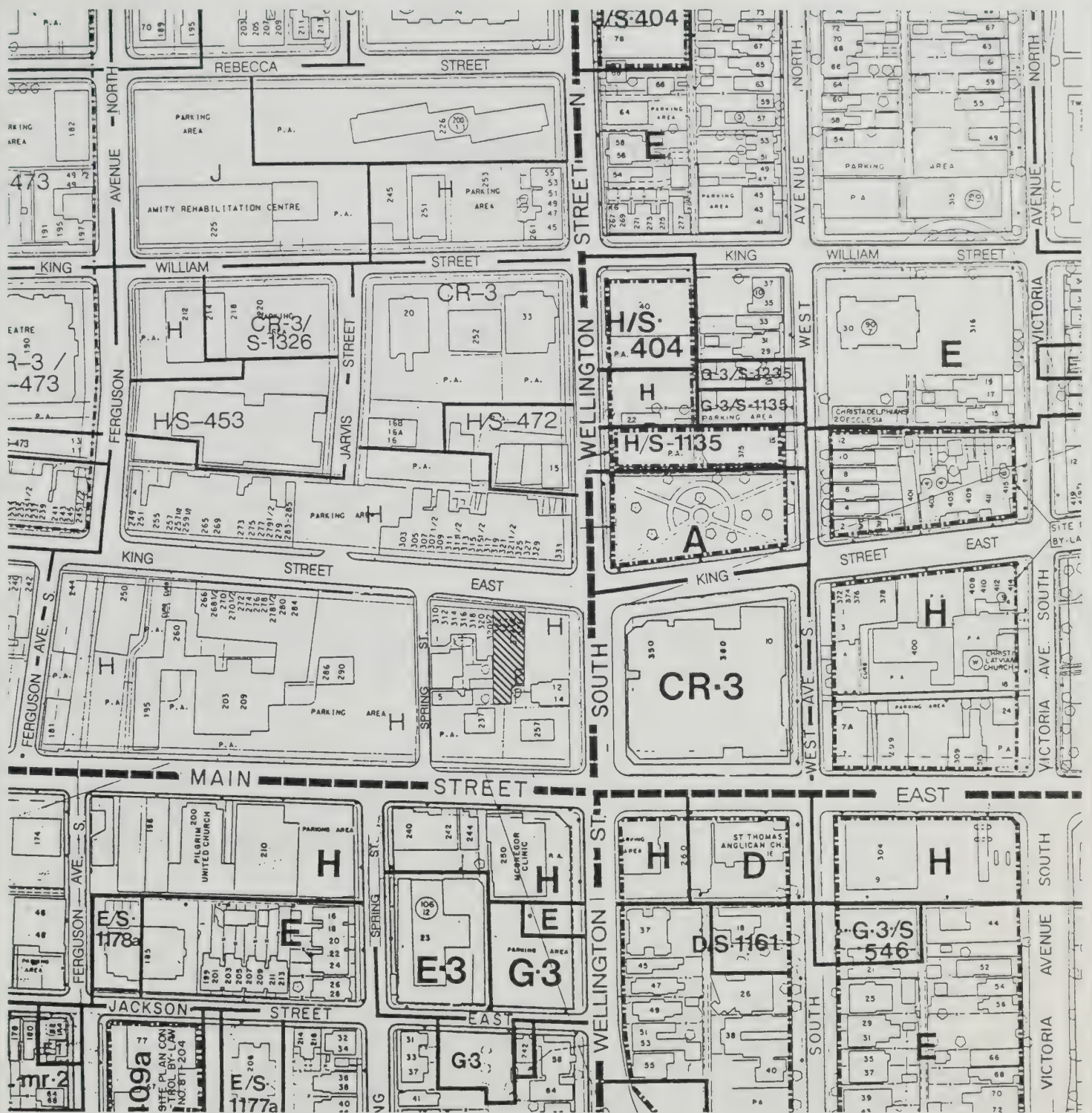
- 1) the building is listed on the City's Inventory of Buildings of Architectural/Historical Interest because of its value as part of the King Street East heritage streetscape. In addition, it was identified as a potential Heritage Conservation District;
- 2) it will further erode both the historic streetscape and urban fabric of this area;
- 3) the City is actively encouraging the provision of residential in the downtown. It should be noted the staff are undertaking a review of the residential uses in the downtown with a view to increasing the amount of residential permitted within districts;
- 4) there is an adequate supply of parking lots in the downtown core; and,
- 5) it will represent a loss of taxes to the municipality which in turn will impact on other downtown and city wide taxpayers.

For the information of the Committee, LACAC has recommended this site be placed under Demolition Control.

CONCLUSION:

Based on the criteria prescribed in the Rental Housing Protection Act, the proposal for demolition meets criteria #3 which states: "the proposal does not adversely affect the supply of affordable rental housing".

JHE/jhe



City of Hamilton

Key Map

Rental Housing Protection Act

322 - 326 King Street East

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Location of Subject Lands

North



Scale
Not to Scale

Date
JUNE 1994

Reference File No.
DE-93-001

Drawn By
Z.K.

56)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1994 July 8

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng. **JUL 12 1994**
Building Commissioner

SUBJECT: 322 - 326 King Street East -
Demolition Control (94.2.4.2.1.A)

RECOMMENDATION:

That the building located at 322 - 326 King Street East be subject to the provisions of the Demolition Control By-Law pursuant to Section 33 of The Planning Act and that no demolition permit be issued until such time as a building permit to erect a new building on the site is issued.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

An application (Tag 90409) has been submitted to our Department to demolish the above noted building. This is a three storey vacant building which did contain commercial uses on the first floor and apartments on the second and third floors. The application states that the new use will be a "temporary parking lot and eventual new construction". The applicant has also applied for permission under the Rental Housing Protection Act.

On 1993 November 15, LACAC passed a resolution requesting the building be subject to Demolition Control for the following reasons:

1. Whereas all of the buildings located in the King East heritage streetscape between James Street and Wellington Street are listed on the City's Inventory of Buildings of Architectural/Historical Interest; and

.../2

2. Whereas 322 - 326 King Street East is located within an area identified as a potential Heritage Conservation District in a 1983 Planning report entitled "Heritage District Priorities;; and
3. Whereas the International Village B.I.A. has undertaken an active program to encourage the restoration of the building facades (J.E. Berzin's report of 1992), the Local Advisory Architectural Conservation Advisory Committee recommends that the provisions of the Demolition Control By-Law be applied to the listed 3-storey commercial/residential block at 322 - 326 King Street East, in order to avoid further erosion of the International Village historic streetscape.

In addition, we have been advised by the Planning Department of the following list of other merits for placing the property under Demolition Control:

- a) Whereas it implements Policy 4.9.2.10 of the Central Area Plan which states that prior to demolition, Council will consider:
 - (i) the architectural, historical and contextual importance of the existing building; and
 - (ii) the contribution of the replacement building to the surrounding built environment;
- b) The demolition of the existing building will worsen the erosion of the urban fabric, particularly on King Street East which is one of the main commercial streets in the downtown core; and
- c) There is an adequate supply of parking lots in the downtown; and
- d) The demolition of the building for a parking lot is contrary to Council's direction to promote downtown as the economic centre of the City and Region.

We are, therefore, recommending that the property be placed under Demolition Control and the application be tabled until such time the applicant obtains Site Plan Approval and a building application is submitted with drawings and fees.

EB/zr

6.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 July 13 JUL 13 1994
(OPA-MTV)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V.J. Abraham
Director of Local Planning

SUBJECT: Application for an Official Plan Amendment and
Neighbourhood Plan Amendment - Mountview
Neighbourhood

RECOMMENDATIONS:

1. That approval be given to amended Official Plan Amendment No. _____ to redesignate lands owned by Chedoke Health Corporation from "Major Institutional" to "Residential" and "Open Space"; to create a new Schedule "J-1" for the Chedmac Secondary Plan Planning Area; and to establish new policies relating to the introduction of a new Schedule "J-1", and to incorporate the following modifications into the Official Plan Amendment:
 - a) Policy A.6.1.2i)a)(2) be revised to delete "and semi-detached";
 - b) Policy A.6.1.2i)a)(5) be revised to delete "5 storeys" in the fourth line and to insert "4 storeys" in its place;
 - c) Policy A.6.1.2i)a)(6) be revised to delete "8 storeys" in the third line and to insert "6 storeys" in its place;
 - d) Schedule "A" be revised by increasing the size of the area to be redesignated to "Open Space" at the intersection of Scenic Drive and the proposed extension of Chedmac Drive from one hectare to approximately two hectares in size;
 - e) Schedule "J-1" be revised by increasing the size of the Stormwater Detention Pond from one hectare to approximately two hectares in size and the cul-de-sac be

- Notwithstanding Subsection A.2.1, the area west of the Stormwater Detention Pond as shown on Schedule "J-1", approximately one hectare in size, will only be used for residential purposes in accordance with Policy A.6.1.2i)a)ii) upon being deemed, by the Regional Municipality of Hamilton-Wentworth, not necessary for inclusion within the Stormwater Detention Pond.

- "The boundaries between the classes of land use designated on Schedule "A" by patterned areas, as well as any other boundaries indicated on Schedules "B", "B-1", "B-2", "B-3", "C", "D", "F", "G", "H", and "J-1" are only intended to be general and not to define the exact limits of any land use or policy.";

and the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.

2. That the Mountview Neighbourhood Plan be amended in accordance with Schedule "J-1" of the Official Plan Amendment.

Althaus

N/A

In March of 1993, the Planning and Development Department received an application for an Official Plan Amendment for the lands surrounding Chedoke Hospital, on the south side of Chedmac Drive and north of the proposed extension of Chedmac Drive. The application for the Official Plan Amendment arose out of a Neighbourhood Plan review involving the lands owned by Chedoke Health Corporation in Mountview Neighbourhood. The applicant is proceeding with the Neighbourhood Plan but has proposed to adopt a Secondary Plan to the Official Plan specifying land uses and densities as well as specific policies to be added to the Official Plan

relating to the Secondary Plan. Application has now been made for a rezoning and plan of subdivision for the lands north of the hospital.

The substance of the proposed Official Plan Amendment is as follows:

1. The redesignation of a portion of the lands owned by Chedoke Health Corporation from "Major Institutional" to "Residential" and "Open Space" on Schedule "A" of the Official Plan;
2. The addition of a new Schedule "J-1" - the Chedmac Planning Area Secondary Plan - detailing specific densities of land use for lands affected by this Amendment;
3. The creation of a new Subsection to Section A - Land Use Strategy - which outlines specific policies for the Chedmac Planning Area Secondary Plan; and,
4. Amendments to Section D.2 - Neighbourhood Plans - to develop Secondary Plans.

The following is a brief description of the proposed land uses, densities, and road pattern.

1. Chedmac Drive would be extended north of the hospital and connect with Scenic Drive. North of the extension of Chedmac Drive, large lot single-family homes (lot widths of fifty feet) are proposed adjacent to the existing homes on San Pedro Drive. Other lots in the area would be single-family homes on both forty foot lots and thirty-three foot lots. A stormwater detention pond would be included in this area of approximately 1.3 hectares in size and this pond would be located at the corner of the intersection of the Chedmac extension and Scenic Drive.
2. West of the Twin Pad Arena, Mountview Park would be extended from its current size of approximately 3.4 acres to approximately 10.3 acres;
3. South of the park, a crescent of single-family homes would be established. The crescent has access to and from Magnolia Drive only. These homes would be on lots of approximately forty feet in width.
4. East of the crescent, on the south side of Chedmac Drive, a variety of multiple family housing is proposed to include: townhouses; low density apartments (3-5 storeys); and medium density apartments (up to 8 storeys).
5. The balance of the land (i.e. the land on the interior of the boundary of Chedmac Drive and Sanatorium Road) would remain designated as "Institutional" for hospital use.

The draft Official Plan Amendment and Schedules are attached as APPENDIX "A" to this report. The existing Mountview Neighbourhood Plan would be amended to conform to the Secondary Plan.

Since the initial application was submitted, the applicant's planning consultant has held two information meetings with residents of Mountview and Westcliffe West Neighbourhoods. In April of this year, the Planning and Development Committee directed staff to hold a public information meeting with residents of the area. Approximately one hundred and twenty people attended, with a variety of questions. In addition, the Planning and Development Department received forty-four written submissions from residents of the area. The concerns identified by the residents are detailed in the Comments Section of this report.

COMMENTS RECEIVED:

The initial Neighbourhood Plan proposal for the Hospital's lands, the revised Neighbourhood Plan proposals, and the proposed Official Plan Amendment have been circulated to various agencies for their comments. The following are the comments for the various agencies.

- The following agency has no comment:

- Town of Ancaster.

- Hamilton Street Railway

"It was agreed that 'proposed bus stops' and a 'proposed bus recovery point' would be shown on the Neighbourhood Plan. With respect to the bus bay required for the recovery point, a 3.0 metre wide x 76.0 metre long bay will be required to accommodate two routes (#31 and #41) simultaneously. The bay should be situated on the Chedmac Drive right-of-way in the vicinity of the arena and the east-west local street that will exist immediately to the west of the arena."

- Hamilton Region Conservation Authority

"Authority staff have reviewed your comments and note that our outstanding concerns regarding this Stormwater Management Plan have been addressed. Authority staff note the following:

1. Erosion and sediment control works will be shown in the contract drawings and submitted to the Hamilton Region Conservation Authority for review and approval.
2. An easement for Pond #2 in favour of the Region of Hamilton-Wentworth and/or the City of Hamilton shall be initiated at the Draft Plan Stage.
3. According to Figure #7, access for Pond #2 can be constructed off Sanatorium Road in the vicinity of the outlet headwall. This area is vegetated and installation of a ramp would result in tree loss. During installation of the ramp, removal of

vegetation should be kept to a minimum."

- Niagara Escarpment Commission

"Commission staff have reviewed the Official Plan Amendment and Secondary Plan for the Mountview Neighbourhood circulated by your department on June 2, 1994.

The Niagara Escarpment Commission dealt with the proposed Mountview Neighbourhood Policies and Plan on two separate occasions. In its initial review (April, 1991) concerns were raised regarding the environmental and physical impacts of stormwater. A stormwater management report was subsequently prepared and dealt with by the Commission in November 1993. This stormwater management report addressed the Commission's concerns.

Our review of the Official Plan and Secondary Plan reveals that the document is consistent with that previously dealt with by the Commission. Accordingly there are not outstanding concerns or objections to the proposed Official Plan Amendment and Secondary Plan for the Mountview Neighbourhood."

- City of Hamilton Traffic Department

"We have reviewed the revised Neighbourhood Plan, Site Access and Traffic Impact Analysis prepared by Parker Consultants and provide the following comments.

The proposed Neighbourhood Plan incorporates low and medium density apartments, attached housing, single and double residential units, the Twin Pad Arena, and Chedoke Hospital facilities. This development will generate a substantial volume of traffic that can only access the neighbourhood via Scenic Drive and the intersection of Mohawk Road and Rice Avenue. This will increase traffic congestion and delays on these roadways. However, it is anticipated that the completion of the Red Hill Creek Expressway will alleviate some of the roadway congestion.

The Neighbourhood Plan has identified the maximum density for each residential land use. This neighbourhood has limited access and any increase in density would increase traffic volumes. Therefore, we request that the density being proposed by the applicants in the Neighbourhood Plan be incorporated within any approvals and strictly adhered to during the development phase."

And further advised:

"We have reviewed the proposed Official Plan Amendment and Secondary Plan for the Mountview Neighbourhood and provide the following comments.

We understand that the reference to the densities of residential development differ

between the Secondary Plan and Neighbourhood Plan. However, this does not change the density of the Mountview Neighbourhood as outlined in the neighbourhood analysis. Our comments made in our previous letter concerning the Mountview Neighbourhood are still applicable."

- Transportation/Environmental Services

"Water Distribution System

The proposed neighbourhood can be serviced for water from the existing watermain on Rice Avenue, Chedmac Drive, and Magnolia Drive. The area would need to be serviced from two pressure districts. If the low density apartments at the south end of the development were to be serviced from District H5, as would normally be the case given the proposed street pattern, domestic pressure and fire flows would be substandard. Therefore, we recommend servicing from District 6 via an easement between Crescent "B" and Court "C" (the crescent and court off Magnolia Drive). Alternatively, the proposed street pattern could be altered to connect the court to the crescent off Magnolia Drive. The existing sewer and watermain easement which runs from Chedmac Drive to San Antonio Drive should be retained.

Sewer Systems

1) Addition of New Crescent off Magnolia

- Crescent "B" can be serviced with sewers with the addition of a 12 metre wide easement between the south end of the crescent and the cul-de-sac on Court "C".
- Court "A" can be serviced with sewers either southerly along Crescent "B" or preferably through a 12 metre wide easement between the cul-de-sac and the existing sanitary sewer easement.

2) Changes in Land Use Designation

- No objections from a sewer capacity viewpoint.

3) Road Changes at Chedmac Drive and Rice Avenue

- No objections.

Additional Comments

- 1) Show future streets, or 12 metre easements off the southerly end of Beamis Avenue and Miller Avenue.

- 2) It is likely that a storm water detention facility will be needed on the north side of Scenic Drive.
- 3) Show an existing 12 metre wide sewer and watermain easement from San Antonio Drive to Rice Avenue."

Stormwater Detention Pond

"This memo will confirm our concern of the inadequate size being proposed for the Stormwater Management Pond (Quality) in the above plan.

The proposal suggests an area of 1.3 ha for the facility and channel. This size was derived by assuming that the required storage volume would be accommodated in a uniform geometric shaped basin to a depth of approximately 1.8 m (6 feet). The sides of the basin were then projected to the proposed ground surface at a slope of 3hor:1vert to define the pond boundary.

Upon review of the preliminary design for the pond, it has become apparent that much more land must be set aside for the pond to produce a treatment facility that is functional, safe, and an acceptable addition to the community. This space is necessary to allow for a 'naturalized' design of the facility, that should contain the following features:

1. A buffer area of table land of approximately 15 metres width between the facility and any adjacent residential properties, either existing or proposed. This buffer is intended to help mitigate potential negative impacts from the facility upon the use of the outdoor living space of adjacent residential units.
2. The side slopes of the pond should not be steeper than 7hor:1vert for a distance of 7.5 m above the high water level and 7.5 m below the low water level.
3. The creek that flows through this block must be physically separated from the pond with a berm of sufficient height, in addition, however, a valley bottom is to be designed to accommodate a meander pattern that is compatible with the proposed stream characteristics.
4. The shape of the pond will be dictated by the functional requirements of the treatment facility and thereby will determine the ultimate area of this open space block.
5. The final design of the pond will require input from many various fields of expertise, including engineering, biologists, and landscape architects familiar with the design of natural habitat creation.

In order to accommodate the above, we recommend that the block to be set aside as open

space for this facility must be a minimum of 2.0 ha in size. Until the final design has been completed, the required size of the block for this facility will not be known, we therefore recommend that provision be made to incorporate approximately 1.0 ha of adjacent lands in the plan into the pond block as required."

Roads Department

- "1. The final design of the intersections of Chedmac Drive and Scenic Drive and Chedmac Drive and Rice Avenue will be determined at the detailed engineering phase either through the plan of subdivision or at such time as this alignment is warranted.
2. We understand that there will be a certain degree of flexibility in the location of the final street intersections on Chedmac Drive and the remaining internal road system.
3. We understand that the Traffic Department is satisfied with the conclusions of the Traffic Generation Study by Parker Consultants with respect to the sight lines provided at the residential cul-de-sac intersection on Chedmac Drive, approximately 75 m west of the service entrance to the Twin Pad Arena.
4. Chedmac Drive must be established at 26 m road allowance width and the minimum centreline radius of Chedmac Drive must be 110 m. This radius is considered a minimum and should be increased wherever possible.
5. Previous comments from the Public Transit Division are still applicable. In their letter, they requested that the transit stops, bus bays, etc. should be shown on the secondary plan. Please arrange to have this shown on the secondary plan presented at the public meeting."

Hamilton Board of Education

"We have reviewed the above revised plan for the Mountview Neighbourhood. Our information of 1993 03 12 remains in terms of school attendance.

JK - Grade 5	-	Holbrook and Mountview
Grades 6, 7, & 8	-	Chedoke
Secondary	-	Sir Allan MacNab

With sufficient lead time we would be able to make arrangements to accommodate children living in this new community. As you are aware, the ongoing growth across the mountain requires constant monitoring. The School Board would likely have to consider portable classrooms or transportation to other schools to accommodate the increase in children from this proposal."

• Hamilton-Wentworth Roman Catholic Separate School Board

"The Administration has reviewed the amended plan and does not have any objections or modifications. As previously indicated, St. Teresa of Avila Catholic Elementary School is situated in this neighbourhood. The school is overcrowded and portable classrooms (2) are at the site.

The proposal outlined in the neighbourhood analysis would generate an additional 98 separate school pupils. This increase would necessitate the addition of at least 2 more portable classrooms. Since this growth would occur over the long term, there will be the need for a permanent addition to the school."

COMMENTS:

1. Several issues have arisen as a result of the public consultation process including the public information meeting and submissions received as a result of that meeting. The following section will describe each issue and address the issue identified.

A. Issue: Traffic congestion will increase as a result of this proposal on Rice, Magnolia, Mohawk, and Scenic Drive.

Response: The City's Traffic Department required the applicant to undertake a traffic impact analysis study which included recommendations for traffic management. There will be increases in traffic on the arterial roads in this area as a result of the proposed development. However, the Traffic Department has advised the road system can accommodate increases in traffic provided there are limitations on the densities specified within the Official Plan Amendment. The proposed Official Plan Amendment does incorporate specific densities and building heights to address the issue of limiting density. It has also been noted that the construction of the Expressway will decrease traffic on Mohawk Road by thirty to fifty percent. The intersection of Rice Avenue and Chedmac Drive will be redesigned to discourage flow through traffic into Westcliffe West Neighbourhood.

B. Issue: Restrict development on all of the Hospital's surplus lands to single-family homes.

Response: Both Provincial policy and policies of the City of Hamilton Official Plan encourage the provision of a mix of residential densities within neighbourhoods. The proposed Secondary Plan incorporates a mix of housing types into the Plan to achieve a compatible

arrangement of residential densities.

The area designated for the new apartment buildings and townhouses is a logical extension of this form of housing given the development on Mohawk Road West. Development of single-family homes in this area would result in the outdoor living space of the homes being overlooked by all north-facing apartments in the buildings on Mohawk Road, which is not desirable.

C. Issue: Opposition to townhouses/apartments; low-rental and non-profit housing.

Response: The concerns that have been raised by the residents of the area relate to the impact of non-profit, multiple family residential development or "low-income housing". Municipalities are not able to control the tenure of any form of housing approved under the Planning Act. However, there has been no indication from the Hospital the land will be sold for non-profit housing. It is also worth noting that Ministry of Housing is not likely to approve concentrations of non-profit housing in the same geographic areas due to past problems with concentrations of non-profit housing.

D. Issue: Property values will decrease due to the development.

Response: Property value is determined by a number of factors including location and land use. The proposed residential land uses will be compatible with the existing form of development and there does not appear to be any evidence that property values would decrease.

Regarding property values and non-profit housing, studies by the Ministry of Housing have indicated that non-profit housing has no effect on the property values of adjacent properties.

E. Issue: Population influx as a result of the development will be too great.

Response: The proposed gross population density for Mountview Neighbourhood is consistent with what is being developed, and has been developed, in other Mountain neighbourhoods within the City of Hamilton. It is also in conformity with the standard of the City's Official Plan, which is 90 persons per gross hectare of residential land. Mountview Neighbourhood, including this proposal, would be built at a density of 72 persons per gross hectare of residential land.

F. Issue: Opposition to the stormwater detention ponds.

Response: The stormwater detention ponds are required by the agencies regulating stormwater in this area: the Niagara Escarpment Commission and the Hamilton Region Conservation Authority. These ponds are required as the agencies involved (NEC and HRCA) expressed concerns over the stability of Escarpment slopes and the impact of the development on the quality and quantity of Escarpment streams and water supplies. Staff of the Niagara Escarpment Commission have indicated that the stormwater management system, including the ponds, will retain post-development flows at the level of pre-development levels. It should be noted that, increasingly, new development in the City of Hamilton will be subject to similar requirements.

Detailed design of the ponds will take place at the subdivision stage of development approval. The ponds will be designed to minimize impacts on the adjoining residential areas. The Roads Department has recommended increasing the size of the pond at Scenic Drive and Chedmac Drive in order for the pond to be designed in a more natural form, with a shallower slope on the walls, and incorporating aesthetically pleasing natural features.

G. Issue: Increase parkland over what is proposed.

Response: Mountview Park is currently 1.38 hectares in size; this Secondary Plan proposed to increase Mountview Park to 4.21 hectares in size. Under this Secondary Plan, Mountview Park would triple in size.

- Policy C.1.1.1 of the City's Official Plan sets a standard of 0.5 hectares per 1,000 population for a Neighbourhood Park (which Mountview Park is classified). The total anticipated population for Mountview, including this proposal, is 6,660 persons. This translates to a parkland requirement of 3.3 hectares or 8.2 acres.

It should be noted that there is a requirement of 5% parkland dedication for new development. Should the 2.83 hectares to be dedicated to the City under this proposal not meet the 5% parkland dedication, a monetary sum will be determined by City staff over and above the land dedication to equal fulfil the 5% parkland dedication.

Lastly, Olympic Park, which is classified as a Community Park under the City's Official Plan, is also located in Mountview

Neighbourhood. It is approximately 9.7 hectares in size.

H. Issue: Retain the entire hospital area as Open Space.

Response: As a landowner, the Hospital does have rights to seek development approvals for its land. The proposed Secondary Plan incorporates open space in the form of the addition to Mountview Park. A portion of the land the Hospital will retain includes a large open space area.

The Hospital lands are not currently designated for "Open Space" in either the Official Plan or the Neighbourhood Plan. In both documents, the Hospital's lands are designated "Major Institutional". This designation would permit the development of the lands for hospital purposes. The traffic impacts from such a development could be greater than the proposed residential development.

I. Issue: The existing recreational facilities are overburdened.

Response: Programs at the existing recreational facilities in the area are heavily subscribed, especially aquatic programs. The Secondary Plan does incorporate a proposed Aquatic Centre. Should this Centre be constructed, it may alleviate some of the existing pressure for recreational programs. It should also be noted that the Department of Culture and Recreation has advised that they do not foresee any problems with this proposed development.

J. Issue: Overburdening of existing schools.

Response: Both School Boards have indicated that the proposed Secondary Plan can be accommodated within their Boards. The Separate School Board will likely construct an addition to St. Teresa of Avila School to accommodate the children from this area. The Public School Board will use portables and transportation of children to schools to accommodate the increased enrolment.

K. Issue: Inadequate water and sewage capacity.

Response: The Environmental Services Department has indicated that both water and sewage capacity are sufficient for this development.

- L. Issue: The community character will be negatively altered.
- Response: Mountview Neighbourhood, as it exists today, is a mix of residential land use densities which includes high density apartment buildings at the southern periphery (on Mohawk Road West), a large institutional area (Chedoke Hospital), parks, schools, and single-family homes. The proposed Secondary Plan recognizes the existing development pattern in the neighbourhood and integrates the proposal with the existing neighbourhood. An incompatible land use or land uses will not be introduced into the neighbourhood.
- M. Issue: There is no certainty to the land uses - a developer could increase the height of the apartment buildings by applying to the Committee of Adjustment.
- Response: The proposed Secondary Plan very strictly lays out heights and densities for the proposed land uses. Once approved, the Secondary Plan becomes part of the Official Plan. The Planning Act requires that every application to the Committee of Adjustment conform to the Official Plan. Should a developer wish to have a building greater in height or density than what is specified in the Official Plan, an application for an Official Plan Amendment would be required.
- N. Issue: Request for a further evening information meeting.
- Response: The Planning and Development Department did recommend a further evening information meeting on the proposal. However, the applicant has requested a decision by Council on the application to amend the City's Official Plan. Given this request, the Department is required to process the Official Plan Amendment which includes a public meeting of the Planning and Development Committee, whose regular meeting is during the day.
- O. Issue: Provision of walkway at Miller Avenue.
- Response: Miller Avenue currently is a dead-end at the Chedoke Health Corporation property. It is intended that a north-south walkway, essentially extending Miller Avenue, will be constructed on the Health Corporation's properties to intersect with the east-west street running approximately parallel to San Pedro Drive. The walkway will be constructed at the same width as Miller Avenue (as currently built). The walkway will provide access from the San

Pedro Drive area to the interior neighbourhood facilities including the Twin Pad Arena and the extended Mountview Park. Without the walkway, residents from this area would either have to walk along Scenic Drive to the interior facilities or through the San Pedro Drive area over a greater distance.

2. The proposed Official Plan Amendment can be supported for the following reasons:

- i) The proposed land use densities are compatible with the existing development within Mountview Neighbourhood. The Secondary Plan recognizes the existing nature of the Mountview Neighbourhood so that the proposed land uses are consistent and compatible with the surrounding land uses.

Areas proposed for new single-family development would be consistent with the form of adjacent single-family residential development (both for the proposed crescent off of Magnolia Drive and the land north of the hospital adjacent to San Pedro Drive). Specific policies in the Secondary Plan specify lot sizes in keeping with the adjacent form of single-family development (e.g. large lot singles in the area of San Pedro Drive and regular single-family lots - 40 feet in width - adjacent to Magnolia Drive).

- ii) The proposed townhouses and apartment buildings would be adjacent to the existing apartment buildings on Mohawk Road. The proposed apartment buildings would be located between the existing apartment buildings and the hospital/Twin Pad Arena. In this regard, the existing development pattern provides a buffer or separation of the proposed multiple family dwellings and the single-family, lower density areas of the existing neighbourhood and the proposed new single-family residential areas.
- iii) The proposal provides for a variety of housing types with the neighbourhood. This is consistent with policy in the City's Official Plan to provide a mix of housing types while maintaining spacing and privacy (Policy C.7.2). The gradation of density outlined in Policy C.7.2 of the Official Plan is achieved through the location of residential land uses in a grouping with single-family homes adjacent to single-family homes and the higher density apartment buildings adjacent to the existing apartment buildings within the neighbourhood.
- iv) Chedmac Drive functions essentially as an arterial road through the new development and is built at a width of 26 metres (86 feet). The higher density land uses (the large apartment buildings) are located directly on Chedmac Drive and access to the lower density apartment building and townhouses is off of a cul-de-sac and not through low-density areas. In this regard, traffic is directed to Chedmac. Locating these land uses adjacent to Chedmac is consistent with the

manner in which the City locates higher density residential land uses: at the periphery of the neighbourhood with access via an arterial road.

- v) Traffic from the proposed development is segregated from the existing development within the neighbourhood. Traffic from the new development is directed solely to the arterial roads in the area. No traffic will flow through existing low-density residential development.
- vi) The proposal would be consistent with other existing neighbourhoods as well as newly developing neighbourhoods on the Mountain and, in particular, the West Mountain. Including the proposal within Mountview Neighbourhood, this area would have an average gross population density of 72 persons per residential hectare. Other neighbourhoods have been developed and are being developed at similar gross densities including: Carpenter (57.1 persons per residential hectare), Gourley (64 persons per residential hectare), Falkirk East (62.7 persons per residential hectare), and Butler (84.4 persons per residential hectare).

It should be noted that this proposal is less than what is contemplated in the City's Official Plan in terms of gross residential density for newly developing and existing neighbourhoods. The standard of the City's Official Plan, as contained in Policy A.2.1.12, is 90 persons per gross hectare of land designated for residential purposes. The proposed density for Mountview Neighbourhood, including this proposal, is 72 persons per gross hectare of land designated for residential purposes.

- vii) It is an opportunity for infill housing within the urban area. This planning principle has been enunciated in the City's Official Plan, the Draft Regional Official Plan, and Vision 2020 - Towards the Sustainable Region.
- viii) The adoption of a Secondary Plan provides more certainty as to the exact nature of the future intended development. Neighbourhood Plans in the City of Hamilton are Council adopted policy only and can be amended by Council. There is no form of appeal available for a person dissatisfied with a Neighbourhood Plan. A Secondary Plan forms part of the Official Plan and can only be amended by an Official Plan Amendment. New development must conform to the Official Plan and, in this case, the Secondary Plan. The adoption of a Secondary Plan to the Official Plan is appropriate in this case because of the concerns identified by the Traffic Department and the area residents concerning density and the fact that density is not specifically regulated in Neighbourhood Plans.

3. The Planning and Development Department recommends the following modifications to the Official Plan Amendment, based on issues raised by commenting agencies, the public, and the Planning Department's review of the application.

1) Policy A.6.1.2i)a)(2) be revised to delete "and semi-detached".

Rationale

The existing developed form in Mountview Neighbourhood, in the area of Magnolia Drive, is single-family detached dwellings. Removing semi-detached dwellings as a use from this area of proposed new development will ensure the new development will be consistent with the existing built form in this area of the neighbourhood. This modification addresses concerns raised by area residents that semi-detached dwellings built on the crescent off Magnolia Drive would introduce a higher density of development than what is currently built in the area.

- 2) Policy A.6.1.2i)a)(5) be revised to delete "5 storeys" in the fourth line and to insert "4 storeys" in its place.
- 3) Policy A.6.1.2i)a)(6) be revised to delete "8 storeys" in the fourth line and to insert "6 storeys" in its place.

Rationale

One of the concerns expressed by the residents of the area is the height of the apartment buildings. There is a perception the new buildings will block the view of existing residents living in the north-facing apartments in the buildings on Mohawk Road West.

The proposed buildings, at 5 and 8 storeys, would be lower than the existing buildings on Mohawk Road West due to the height difference and the change in grade from the rear of the existing apartment buildings to the hospital's property. However, the height of buildings surrounding the proposed apartment buildings are lower than eight storeys: the Twin Pad Arena is approximately four storeys in height and most of the hospital buildings are four to six storeys. The rezoning approved for the Retirement Residence (southwest corner of Chedmac Drive and Rice Avenue) includes a six storey apartment building. It would be appropriate to lower the heights of the proposed apartment buildings to six storeys and four storeys to ensure that the proposed new development is compatible with the hospital, the Twin Pad Arena, and the previously approved development for the Retirement Residence.

- 4) Schedule "A" be revised by increasing the size of the area to be redesignated to "Open Space" at the intersection of Scenic Drive and the proposed extension of Chedmac Drive to two hectares in size.

- 5) Schedule "J-1" be revised by increasing the size of the Stormwater Detention Pond to approximately two hectares in size and the cul-de-sac be shortened accordingly.
- 6) The following be added as Policy A.6.1.2e)iii):

Notwithstanding Subsection A.2.1, the area west of the Stormwater Detention Pond as shown on Schedule "J-1", approximately one hectare in size, will only be used for residential purposes upon being deemed, by the Regional Municipality of Hamilton-Wentworth, not necessary for inclusion within the Stormwater Detention Pond.

Rationale

The Roads Department has advised that the size of the pond, as proposed by the applicant, would not be sufficient for stormwater purposes. Therefore, the Department has recommended increasing the size to approximately two hectares. Changes to the two schedules will be effected to indicate the correct size of the pond.

The Roads Department has advised that up to an additional hectare in land may be required for the Stormwater Detention Pond. The exact additional area which may be required is not known at this time; however, up to an additional one hectare in size may be required. Therefore, a policy has been added to the Secondary Plan to exclude these lands from residential development until the lands are deemed not to be required for inclusion in the Stormwater Detention Pond. Any residential development on these lands would only occur if the Region deems them surplus to the needs of the municipality for the pond. Residential development would be in accordance with the policy of the Secondary Plan for this area (i.e. large lots adjacent to San Pedro Drive).

- 7) Policy D.8.2 be revised to include Schedule "J-1" in the first sentence so that it reads:

"The boundaries between the classes of land use designated on Schedule "A" by patterned areas, as well as any other boundaries indicated on Schedules "B", "B-1", "B-2", "B-3", "C", "D", "F", "G", "H", and "J-1" are only intended to be general and not to define the exact limits of any land use or policy."

Rationale

All schedules to the Official Plan are detailed in policy D.8.2, whose purpose is to incorporate flexibility into the Official Plan so that minor changes in boundary do not require an amendment to the Plan. In this regard, incorporating Schedule "J-1" into this section is consistent with the treatment of all other schedules to the Official Plan.

CONCLUSION:

On the basis of the foregoing, the requested Official Plan Amendment, as modified by the Planning and Development Department, can be supported. In addition, the Neighbourhood Plan should be amended in accordance with the Official Plan Amendment.

MLT:mlt

DRAFT

AMENDMENT NO. ____ TO

THE CITY OF HAMILTON OFFICIAL PLAN

May 27, 1994

Prepared By:

MAY, PIRIE, DAKIN & ASSOCIATES LIMITED
LAND USE PLANNING CONSULTANTS
3310 South Service Road
Burlington, Ontario
L7N 3M6

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PART I

THE CERTIFICATION

The enacting portion attesting the official status of this document.

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. _____

The Council of the Corporation of the City of Hamilton under Sections 17 and 21 of the Planning Act, R.S.O. 1990, c.P.13 hereby enacts as follows:

1. That Amendment No. _____ to the City of Hamilton Official Plan consisting of the explanatory text and attached Schedules, is hereby adopted.
2. That the Clerk is hereby authorized and directed to make application to the Regional Municipality of Hamilton-Wentworth for approval of Amendment No. _____ to the City of Hamilton Official Plan.
3. That this By-law shall come into force and take effect on the day of the final passing thereof.

ENACTED AND PASSED THIS _____ DAY OF _____ 199____.

Mayor

Clerk

PART II

THE PREAMBLE

An introduction to the Amendment and a summary of its background and basis.

PART II - THE PREAMBLE

1. TITLE

This Amendment shall be known as:

AMENDMENT NO. ____
TO THE CITY OF HAMILTON OFFICIAL PLAN

being an amendment to the "City of Hamilton Official Plan".

2. COMPONENTS OF THIS AMENDMENT

Only that part of this document entitled "PART III - THE AMENDMENT" comprising the attached explanatory text and Schedules A and B constitute Amendment No. ____ to the City of Hamilton Official Plan.

"PART I - THE CERTIFICATION", "PART II - THE PREAMBLE" and "PART IV - THE APPENDIX" do not constitute part of this Amendment.

3. PURPOSE OF THE AMENDMENT

The purpose of this Amendment is to redesignate a portion of the vacant lands surrounding Chedoke Hospital situated within the Mountview and Westcliffe West Neighbourhoods from MAJOR INSTITUTIONAL to RESIDENTIAL and OPEN SPACE and to implement the Chedmac Planning Area Secondary Plan for these lands. The Chedmac Planning Area Secondary Plan provides more detailed policies and information to facilitate the appropriate development of this planning area.

4. LOCATION OF THIS AMENDMENT

The subject lands are bounded to the north by Scenic Drive, to the south by the existing residential development abutting Mohawk Road West, to the west by Magnolia Drive, and to the east by Rice Avenue and Sanatorium Road. The subject lands represent the Chedoke McMaster hospital lands and are generally centred within the Mountview Neighbourhood while a portion of these lands are situated within the Westcliffe West Neighbourhood. These lands comprise a total area of approximately 66 hectares (163 acres).

For the purpose of this Amendment, the lands subject to this Amendment are referred to as the *Chedmac Planning Area*. Schedules A and B attached to and forming part of this Amendment identify the location of the lands affected by this Amendment and provide the specific Land Use Plan for the subject *Chedmac Planning Area*.

5. BASIS OF THIS AMENDMENT

The City of Hamilton Official Plan designates all of the *Chedmac Planning Area* as MAJOR INSTITUTIONAL. Residential uses are permitted within this MAJOR INSTITUTIONAL designation; however, the Official Plan provides no further classification of residential development. In this regard, in order to more specifically define residential densities and appropriately locate these defined residential densities in the *Chedmac Planning Area*, an amendment to the Official Plan is required.

The City of Hamilton is divided geographically into *Neighbourhoods*. Neighbourhood Plans function as land use guides in the City of Hamilton. In the past, the City of Hamilton has not formally adopted these Neighbourhood Plans as Official Plan Amendments. While these Neighbourhood Plans do not maintain the planning status of a Secondary Plan, they function as Secondary Plans in that they provide more specific land use designations and policies at a neighbourhood level.

Therefore, the purpose of this Amendment is redesignate a portion of the *Chedmac Planning Area* from MAJOR INSTITUTIONAL to RESIDENTIAL and formally implement the *Chedmac Planning Area Secondary Plan* through a **Secondary Plan**. In addition, in order to provide for an expansion to an existing park facility, part of these lands are to be redesignated to OPEN SPACE.

In this manner, this Amendment serves to provide more specific and detailed development policies for the *Chedmac Planning Area*, whereby development will ultimately proceed on the basis of approved plans of subdivision and subsequent zoning by-law amendments.

Through a proper planning process including the preparation, collection and analysis of pertinent planning documents, studies and background information; and input from the pertinent agencies and the public, the *Chedmac Planning Area Secondary Plan* was prepared. This Secondary Plan provides more detailed policies and information to refine and amplify the RESIDENTIAL Official Plan policies to facilitate the appropriate development of this Planning Area. The entire *Chedmac Planning Area Secondary Plan* is attached to this Amendment as Appendix B.

This Amendment can be supported on the basis that the average population density for the Mountview Neighbourhood, including the *Chedmac Planning Area* will not exceed ninety (90) persons per gross hectare, pursuant to the Official Plan; the proposed height, bulk and arrangement of buildings and structures will achieve a harmonious design and integrate with the surrounding area, pursuant to the Official Plan; the proposed housing types will contribute to a desirable mix of housing in the Neighbourhood; the Amendment is in compliance with the policies of the City of Hamilton Official Plan; the proposed form of development is compatible with the adjacent Neighbourhood Plan designations; and the Amendment implements the *Chedmac Planning Area Secondary Plan*.

PART III

THE AMENDMENT

The operative part of this document which amends the original Official Plan.

PART III - THE AMENDMENT

1. INTRODUCTION

The whole of this part of the document entitled "PART III - THE AMENDMENT" which consists of the following text and attached maps designated Schedules A and B, constitutes Amendment No. __ to the City of Hamilton Official Plan.

2. OFFICIAL PLAN SCHEDULE CHANGES

- (a) Schedule "A" - Land Use Concept of the City of Hamilton Official Plan is hereby amended by changing the land use designation for part of the vacant lands surrounding Chedoke Hospital generally located north of Mohawk Road West and west of Upper Paradise, and as more particularly shown on the attached Schedule "A" from MAJOR INSTITUTIONAL to RESIDENTIAL and OPEN SPACE.
- (b) The City of Hamilton Official Plan is hereby amended by adding the attached Schedule B, to be incorporated as Schedule J-1 - Chedmac Planning Area Secondary Plan, to the Official Plan.

3. TEXT CHANGES

The text of the City of Hamilton Official Plan is hereby amended as follows:

- (a) Section D.2 - Planning Units and Neighbourhood Plans in hereby amended by adding the following policy:
 - "D.2.12 Where Council deems appropriate, Secondary Plans to this Official Plan may be established for planning units. Secondary Plans will be incorporated into Section A.6 of this Plan."
- (b) Section A - LAND USE AND MANAGEMENT STRATEGY is hereby amended by adding a new Subsection A.6 - Secondary Plans which shall read as follows:

"Section A.6 - Secondary Plans

It is intended that, where appropriate, Council will adopt Secondary Plans to this Official Plan that provide specific details with respect to the type and density of development, road patterns, and servicing. The Secondary Plans are attached as Schedule "J" (and its components to this plan); specific policies are detailed in this Subsection.

6.1 Chedmac Planning Area

For those lands shown on Schedule J-1 - Chedmac Planning Area Secondary Plan, generally located north of Mohawk Road West and west of Upper Paradise, the following objectives and policies shall apply.

6.1.1 Objectives

The following Objectives constitute the fundamental guidelines which shall direct the development of the *Chedmac Planning Area*:

- i) To create residential areas consisting of a range of housing types and densities to satisfy a range of housing needs;
- ii) To provide a variety of housing at a range of prices including affordable residential units;
- iii) To ensure future residential and institutional development considers and is sensitive to surrounding existing residential development;
- iv) To integrate the residential areas with parkland in order to provide a convenient, safe and visually pleasing living environment;
- v) To recognize and support Chedoke-McMaster Hospitals as a Community and Regional health facility;
- vi) To establish a focus within the interior of the *Chedmac Planning Area* consisting of recreational and health service facilities;
- vii) To encourage the concentration of existing and future Chedoke-McMaster health service facilities in a comprehensive "campus-like" setting;
- viii) To provide sufficient lands for the future needs of Chedoke-McMaster Hospitals to satisfy the changing health needs of the Community and Region;
- ix) To provide additional parkland for existing and future Mountview Neighbourhood residents;
- x) To ensure an open space linkage is provided from the existing residential development to the *Chedmac Planning Area* interior focus, and from existing residential development to new residential development;
- xi) To develop an efficient, practical and safe road system to accommodate the movement of people within the *Chedmac Planning Area* and the surrounding Mountview Neighbourhood;

- xii) To minimize traffic through existing residential development;
- xiii) To provide for the extension of Chedmac Drive as the principal collector road within the *Chedmac Planning Area* including the redesign of the pertinent intersections;
- xiv) To minimize through traffic through the Chedoke-McMaster Hospital lands;
- xv) To ensure that no direct road access (either private or public) is permitted to Magnolia Drive from Chedmac Drive;
- xvi) To ensure that Miller Avenue and Beamis Avenue are not extended into the *Chedmac Planning Area*;
- xvii) To provide sufficient off-street parking facilities for medium density development; and
- xviii) To provide Chedoke-McMaster Hospitals and new development with adequate full municipal services including sanitary sewers, watermains, stormwater drainage facilities and utilities, in a coordinated, comprehensive and environmentally sound manner.

6.1.2 Policies

i) *Residential*

The majority of the vacant lands within the *Chedmac Planning Area* shall be developed for low and medium density residential purposes. Lands designated RESIDENTIAL within the *Chedmac Planning Area* shall be developed in accordance with the attached Schedule J-1 -Chedmac Planning Area Secondary Plan, Subsection A.2.1 - Residential Uses and C.7 - RESIDENTIAL ENVIRONMENT AND HOUSING POLICY of this Plan, and the following specific policies:

- a) The housing types and density of development shall be in accordance with the following:
 - (1) Within each residential density designation, the zoning by-law will restrict the use of any site to the dwelling unit types permitted within that designation. Such restrictions will be implemented to preserve the character of the neighbourhood and compatibility of dwelling unit types with surrounding existing and proposed land uses.

- (2) Low Density Residential development shall consist of single detached and semi-detached dwelling units at a maximum gross residential density of 18 units per gross hectare (7.2 units per gross acre). Low density residential development shall be located adjacent to existing low density residential development situated in the most northern portion of the *Chedmac Planning Area* and adjacent to Magnolia Drive.
 - (3) *Medium Density* residential development shall be comprised of a variety of multiple dwelling unit types including townhouse dwellings, stacked townhouse dwellings and apartment dwelling units. The density range for medium density residential development shall be 30 to 100 units per gross hectare (12 to 40 units per gross acre). Medium Density residential development shall be defined as either *Medium Density I*, *Medium Density II* or *Medium Density III*. All medium density residential development shall be subject to site plan control.
 - (4) *Medium Density I* residential development shall consist of townhouse dwelling units at a gross residential density of 30 units per gross hectare (12 units per gross acre).
 - (5) *Medium Density II* residential development shall consist of townhouse dwelling units, stacked townhouse dwelling units and apartment dwelling units to a maximum height of 5 storeys. The maximum density permitted shall be 60 units per gross hectare (24 units per gross acre).
 - (6) *Medium Density III* residential development shall consist of stacked townhouses and apartment dwelling units to a maximum height of 8 storeys. The maximum density permitted shall be 100 units per gross hectare (40 units per gross acre).
- ii) The lands designated *Low Density* residential abutting existing residential development at the northern limit of *Chedmac Planning Area* shall not exceed a maximum density of 14 units per gross hectare (5.5 units per gross acre). The minimum lot frontage for these lands shall not be less than 15 metres. It is intended that no direct vehicular access from these lands to the abutting residential development fronting San Pedro Drive be provided.

- iii) Residential development shall be located to ensure a gradation of residential densities.
- iv) Residential development adjacent to existing MAJOR INSTITUTIONAL facilities may be subject to a noise study.

b) *Major Institutional*

It is intended that Chedoke-McMaster Hospitals be recognized as a valuable Community and Regional health facility. In accordance with the attached Schedule J-1 - Chedmac Planning Area Secondary Plan, Subsection A.2.6 - Major Institutional Uses of this Plan and the following policies:

- i) New major institutional health related facilities shall be designed to facilitate a comprehensive campus-like setting.
- ii) New major institutional recreational facilities shall be designed in a comprehensive manner with existing recreational facilities.
- iii) The future potential transfer of a portion of Sanatorium Road from a public road to a private internal roadway consisting of the section that runs north to south and bisects the Chedoke-McMaster Hospital lands. This transfer is intended to minimize through traffic through the Hospital lands, and encourage and facilitate the operation of Chedoke-McMaster Hospitals as a separate, identifiable Community health facility. This transfer would be subject to the approval of the Chedoke-McMaster Hospitals, the Region of Hamilton-Wentworth and the City of Hamilton.
- iv) The development of any new institutional facilities associated with Chedoke-McMaster Hospitals shall be designed to mitigate any negative impact on adjacent residential development.

c) *Parkland*

- i) The existing municipal parklands adjacent to the *Chedmac Planning Area* situated within the Mountview Neighbourhood shall be expanded to include the lands designated Parkland on the attached Schedule J-1 - Chedmac Planning Area Secondary Plan, to satisfy the parklands needs of the *Chedmac Planning Area* and the Mountview Neighbourhood.
- ii) The expanded parkland shall provide an open space linkage from the existing neighbourhood to the recreational facilities located within the *Chedmac Planning Area*.

d) *Transportation*

It is intended that a safe and efficient road network be established in the *Chedmac Planning Area* in accordance with the attached Schedule J-1 - Chedmac Planning Area Secondary Plan, Subsection B.3 - CIRCULATION AND MOVEMENT SYSTEM of this Plan and the following policies:

- i) That the public road system provide an efficient, practical and safe pattern to accommodate the movement of people within the *Chedmac Planning Area*.
- ii) It is the intent that the design of the internal public road system in the *Chedmac Planning Area*, as shown on the attached Schedule J-1 - Chedmac Planning Area Secondary Plan shall be used as a guideline, and as such, some flexibility regarding the final alignment of the internal public roads is permitted.
- iii) It is intended that Chedmac Drive be established as the major collector road to access existing and new development within the *Chedmac Planning Area*.
- iv) It is intended that Chedmac Drive function as a ring road around those lands designated MAJOR INSTITUTIONAL connecting Rice Avenue to Scenic Drive and facilitating the function and operation of the Chedoke-McMaster Hospitals as a separate and distinct facility.
- v) It is intended that Rice Avenue and Chedmac Drive be designed to provide a more efficient and desirable transportation system, pursuant to Schedule J-1 - Chedmac Planning Area Secondary Plan.
- vi) No direct vehicular access shall be permitted from block townhouse/apartment development to Chedmac Drive. Access will be provided via a local road as shown on Schedule J-1 - Chedmac Planning Area Secondary Plan.
- vii) The intersections of Rice Avenue and Chedmac Drive, and Chedmac Drive and Sanatorium Road shall be redesigned to provide a more efficient and safe access to Chedmac Drive, while discouraging through traffic from Scenic Drive and Sanatorium Road.
- viii) No direct road access from Chedmac Drive to Magnolia Drive shall be permitted.

- ix) The extension of Miller Avenue and Beamis Avenue through to the *Chedmac Planning Area* shall not be permitted.
- x) Development may be subject to traffic studies, as required.

e) *Engineering Services*

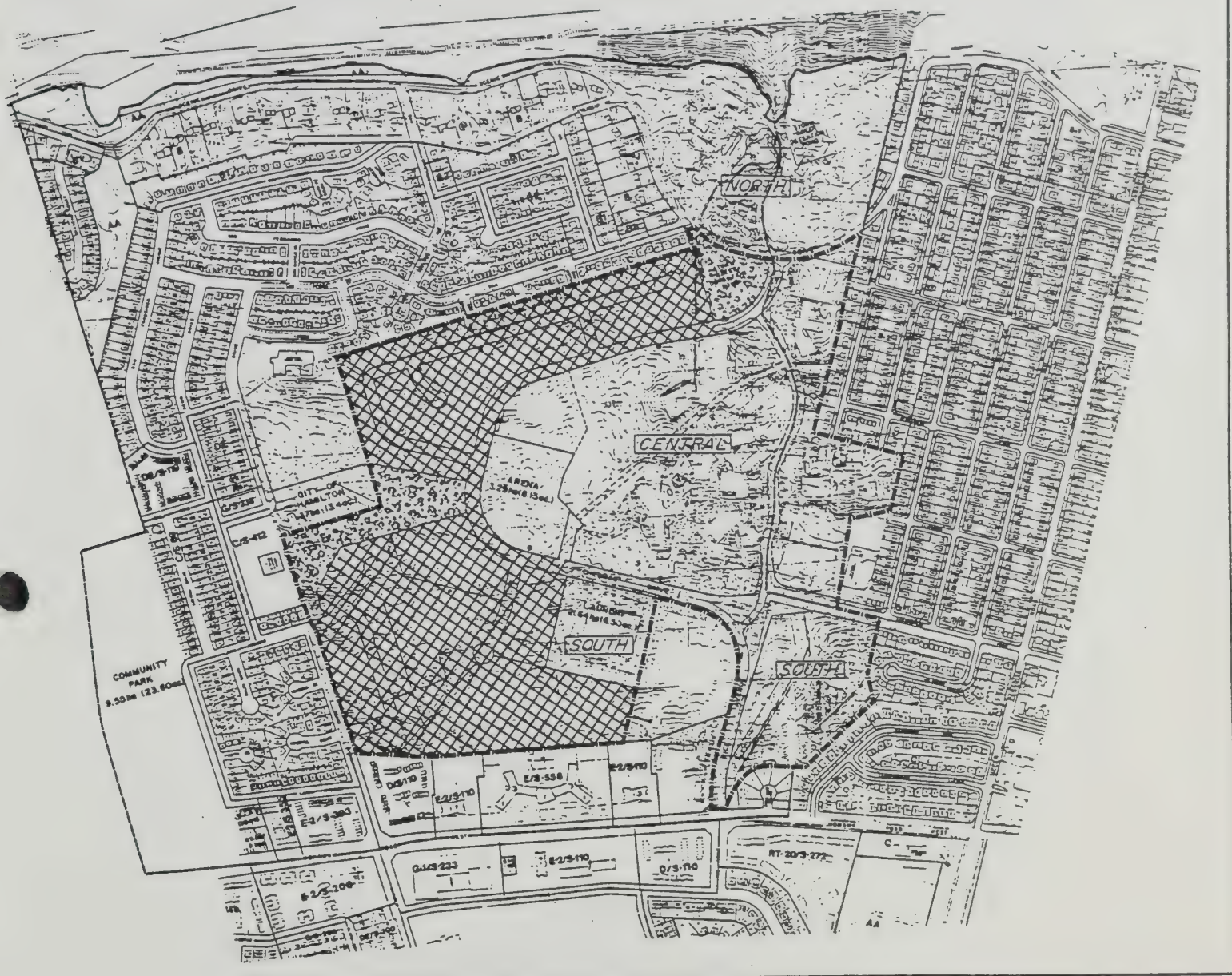
Engineering Services within the *Chedmac Planning Area* shall be provided in accordance with Subsection B.2 - ENGINEERING SERVICES of this Plan and the following specific policies:

- i) Development within the *Chedmac Planning Area* shall not proceed until such time as an overall stormwater management report has been prepared to the satisfaction of the appropriate agencies.
- ii) A storm water detention pond shall be established in the *Chedmac Planning Area* in accordance with the attached Schedule J-1 - Chedmac Planning Area Secondary Plan. Lands required for the storm water detention pond shall be dedicated to the City of Hamilton by the developer."

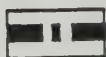
4. IMPLEMENTATION

This Amendment will be implemented by the Chedmac Planning Area Secondary Plan and an amendment to the Mountview Neighbourhood Plan. This Amendment will be further implemented through the City's Comprehensive Zoning By-law No. 6593, subdivision control and site plan control.

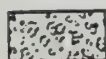
Schedule A - Lands To Be Redesignated



Schedule "A"
To Official Plan Amendment No. _____



Chedmac Planning Area



Lands to be redesignated from "Major Institutional" to "Open Space"



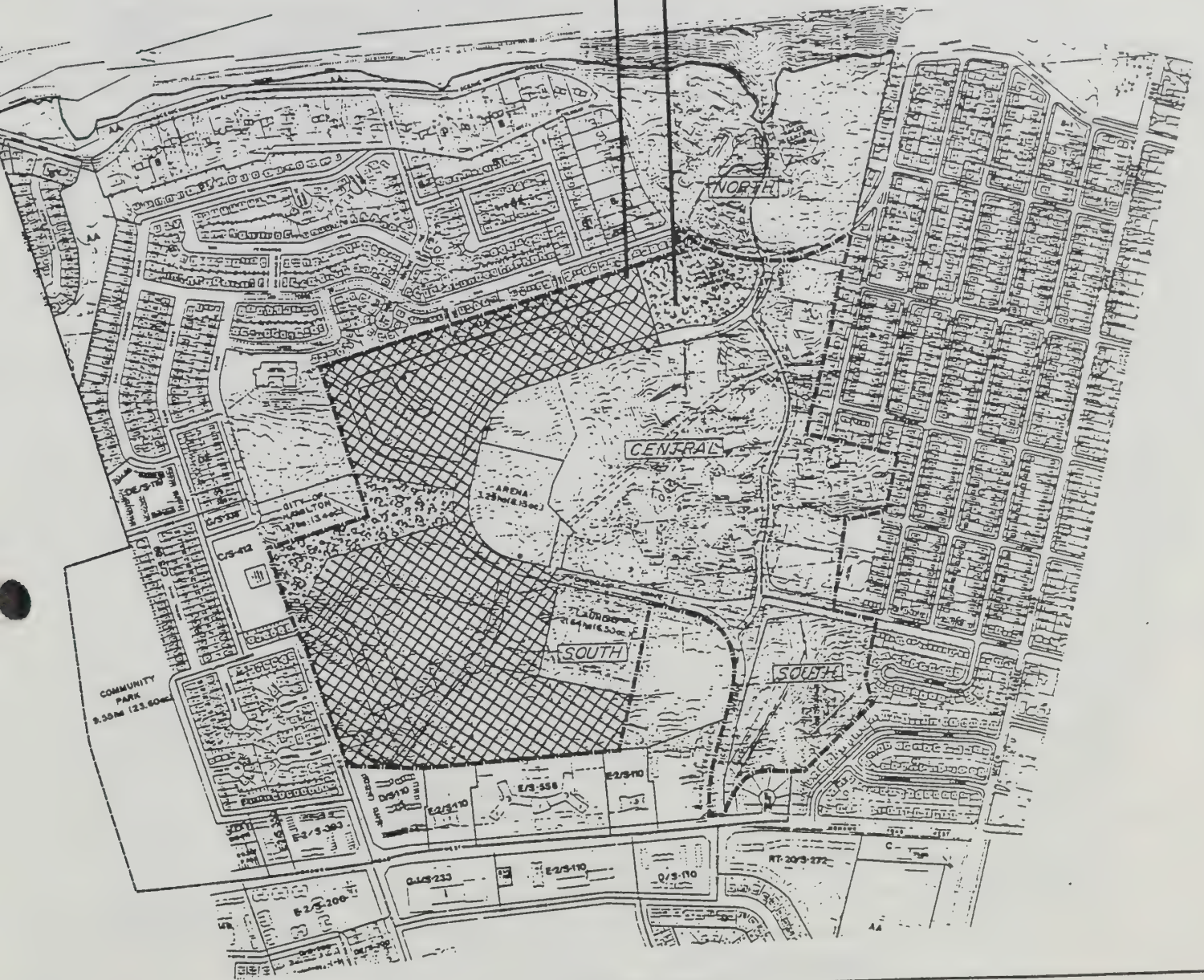
Lands to be redesignated from "Major Institutional" to "Residential"

PART IV

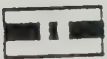
THE APPENDICES

An Appendix to provide a record of the public input related to this Amendment and to assist in the better understanding of the Amendment.

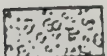
Modification No. 4
(Extension of Stormwater Detention Pond)



Schedule "A"
To Official Plan Amendment No. _____



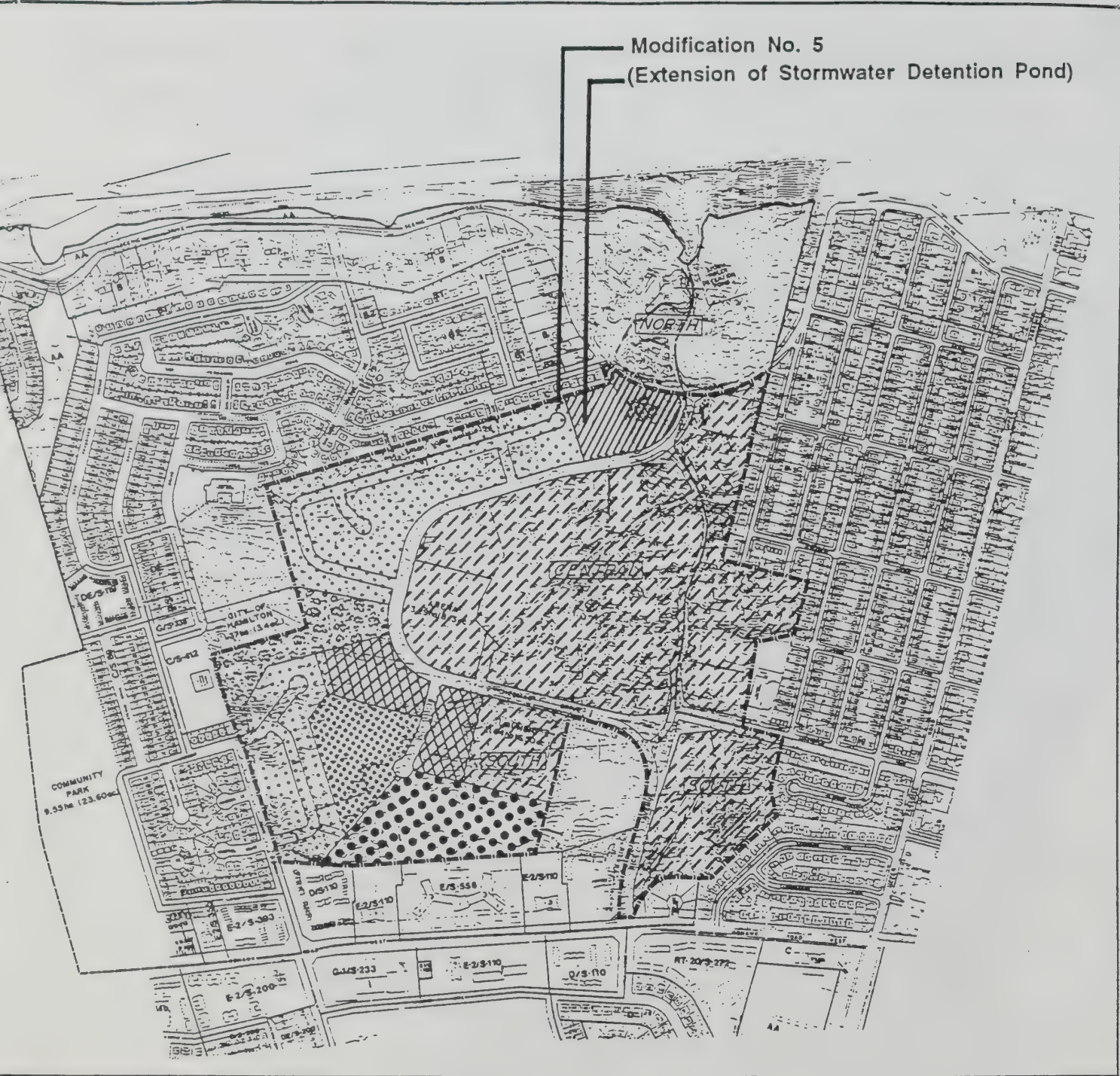
Chedmac Planning Area



Lands to be redesignated from "Major Institutional" to "Open Space"








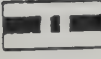


Lands to be redesignated from "Major Institutional" to "Residential"



Schedule "B"
To Official Plan Amendment No. _____

Chedmac Planning Area Secondary Plan

	Low Density		Parkland
	Medium Density I		Storm Water Detention Pond
	Medium Density II		Major Institutional
	Medium Density III		Chedmac Planning Area

"Distributed to: D. Carson, Executive Assistant to the Mayor; V. Abraham, Director of Local Planning; P. Noé Johnson, City Solicitor, A. Zuidema, Law Department, M. Main, Traffic Department, L. King, Building Commissioner, D. Lobo, Director of Public Works - 1994 JULY 5."

(6a)

JUL 05 1994

16 West 33rd Street
Hamilton, Ontario
L9C 5H8
June 29, 1994

Secretary
Planning and Development Committee
City of Hamilton
City Hall
Hamilton, Ontario
L8N 3T4

Dear Sir,

I am writing with regard to the notice received yesterday about the proposed redesignation of lands surrounding Chedoke Hospital. The meeting on July 20 at 10:00 a.m. is not convenient for anyone who is working and many people will be on vacation.

Briefly: I object.

Open areas are good for any neighbourhood. Whether or not they are used by specific individuals, everyone benefits. This area is used by lots of walkers - children playing. Children can play without being told what to do in a park. They can just run about in the long grass - no swings - no baseball diamond - no wading pool - just open space.

If the area must be developed the proposed density is far too high. The traffic problems would be terrific. It would impact Scenic Drive, Sanatorium Road, Mohawk Road and the Queen Street Hill, with their adjoining neighbourhoods - all adversely.

The impact on local schools would be severe.

This open land, if developed, should blend with the areas around it which are already built. Apartment buildings of any height are not compatible with the area. I believe that the proposed density is to be 38 persons per acre. To the east in Westcliffe West the density is 14 persons per acre and the houses here are far from being monster homes. In the San Pedro area the density is 22 persons per acre.

I have heard that these houses are to be low rent housing. If this is true, my comment is that one does not help one group by destroying others.

What Hamilton needs is more "good" residential areas. Too many people move to Ancaster, Burlington and Dundas where they can buy a house on good sized lots. We need these people and their loyalty here in our city.

Yours truly



Mrs. Margaret Morison

"Distributed to: D. Carson, Executive Assistant to the Mayor; V. Abraham, Director of Local Planning; P. Noé Johnson, City Solicitor, A. Zuidema, Law Department, M. Main, Traffic Department, L. King, Building Commissioner, D. Lobo, Director of Public Works - 1994 July 5.

(66)

JUL 05 1994

June 28, 1994,
24 Chateau Court,
Hamilton
L9C 5P2

Dear Sir,

I am strongly opposed
against the proposal of
the development.

The security of the area
would be greatly disturbed
with the increased traffic
and population.

RECEIVED

JUN 30 1994

Kathleen Lobo

July 5, 1994.

JUL 06 1994

The Secretary,
Planning and Development Committee,
Hamilton City Hall,
Hamilton, Ontario L8N 3T4

I have studied the proposed amendment to the official plan for the Mountview Neighbourhood.

I definitely agree with the Low Density Residential along Magnolia Drive and the area north of the Twin Pad Area.

But: the areas of Medium Density¹¹¹ are too concentrated. They are too close to the road around the Twin Pad Area and the Laundry. Redman Drive cannot handle traffic from 2-3 storey apartment buildings and the Low Density Residential planned area north of the Area.

In my mind the committee is not considering the population and traffic figures in relation to the area and open space.

Thank you

Yours sincerely
Doris I. Smith

"Distributed to: D. Carson, Executive Assistant to the Mayor; V. Abraham, Director of Local Planning; P. Noé Johnson, City Solicitor, A. Zuidema, Law Department, M. Main, Traffic Department, L. King, Building Commissioner, D. Lobo, Director of Public Works - 1994 JULY 6

6d)

James S. Ascroft

109 San Pedro Drive

Hamilton, Ontario L9C 2C4

905-388-0846

JUL 06 1994

July 4, 1994

Secretary,
Planning and Development Committee
City of Hamilton
City Hall
Hamilton, Ontario L8N 3T4

RE: Planning Department File OPA-MTV

I have received the notice of the meeting respecting the Mountview Neighbourhood and I am very concerned that a meeting dealing with issues as important as a change to the Official Plan which will affect the lifestyle of all property owners adjacent to the Chedoke Hospital lands is scheduled for 10:00 AM when the hard working tax payers are generally unable to attend. This meeting must be held in the evening to accommodate the tax payers of this neighbourhood.

My next area of concern is why this is being dealt with as an amendment to the Official Plan when it is a Neighbourhood Planning issue.

I understand from your staff that this is as a result of a request from the applicant. If this is the case then all of the issues must be dealt with at the same level.

While I am generally satisfied with the proposal density level of approximately 2554 persons. I believe that some form of guarantee that the number of dwelling units will never exceed 950 and such a guarantee must be included in the plan.

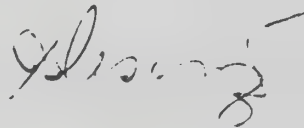
Once in place no amendments should be permitted to the plan without majority approval of all property owners in the homes abutting the lands currently being considered.

My final concern is the disappearance from the plan of the 15 metre walkway around the perimeter of the subject lands. While staff advise that this is normally dealt with as a part of a

Neighbourhood Plan they also advise that the entire process is usually a Neighbourhood Plan issue. The current amendments are being brought forward as an amendment to the Official Plan at the request of the Applicant. If an exception can be made to have the project included in the Official Plan then I must insist that all issues be dealt with at the same level.

Please include the walkway referred to in the map and notice for meeting held April 20th, 1994 in any approved amendments to the Official Plan.

I would be pleased to discuss this matter in greater detail any evening. Please do not hesitate to telephone for further comments.

A handwritten signature in dark ink, appearing to read "Don Ross", with a horizontal line extending from the end of the signature.

CC: Don Ross
Frank D'Amico
Don Drury
Bob Morrow

July 6

MKT

62)

JUL 06 1994

Elizabeth Truchon

✓
*Distributed to: D. Carson, Executive Assistant to the Mayor; V. Abraham, Director of Local Planning; P. Noé Johnson, City Solicitor, A. Zuidema, Law Department, M. Main, Traffic Department, L. King, Building Commissioner, D. Lobo, Director of Public Works - 1994 JULY 8

Eric Grove, MCIP, OPPI
188 Buckingham Drive
Hamilton L9C 2G7.

325 July 1994

JUL 07 1994

6F

PLANNING & DEVELOPMENT			
LOCAL PLANNING BRANCH			
TO	STW	INT	INFO
DIR			
PR & A			
NEIGH			
DEV			
E & D			
STAFF			
CART.			
ADMIN			

Mr Victor J Abraham
Director of Local Planning
Dear Mr Abraham,

I would like to add to my letter of May 10th last. With the help of Ms. Mary Lou Tanner, for which I am grateful, I have now made a partial analysis of selected areas in Mountain neighbourhoods: a brief table of the results is attached. Columns 6 and 7 are what I was looking for, and I find them most revealing.

In Mountview the proposals will result in a neighbourhood, one third of which will be multiple-housing. Not only that, nearly two thirds of that multiple-housing (over 40 acres) will be apartments. On the Mountain only Fessenden neighbourhood has a like amount of multiples and of these the great majority are semi-detached and duplexes - only 11% are apartments (4.8 acres). In fact, in the City west of James/Upper James the only ~~only~~ neighbourhood to have a greater concentration of multiple-dwellings is Durand - and not by much; one expects such a concentration in an inner city neighbourhood like Durand.

It is this proposal to turn Mountview from a typical edge-of-City neighbourhood to an 'inner city' one - with all the attendant changes of character, economics, social structure and strain on services, facilities and infrastructure in an area that has been firmly established for over twenty years that reveals the paucity of planning considerations, or even the logic of planning development. Quite clearly, the proponents of the scheme have given no thought to area planning, the setting, or the neighbourhood structure - everything has been subordinated to maximising the profit from the land. This is particularly irresponsible in this case since the landowner (Chedoke Health Corporation) might reasonably have been expected to have some concern for the impact of its proposal on its neighbours. Such land-use has never been a substitute for good, well-considered planning and it should be rejected now.

The proposals are not only unwarranted in the light of the current housing market (few, if any, apartments have been built in Hamilton in the last five years - other than public housing). I find it difficult to believe that a neighbourhood conceived (as it was twenty years ago) for perhaps 3500 persons now support nearly double that number without major changes or upsets in the services, infrastructure and facilities that have been provided normal to an edge-of-city environment. Not only that, the proposals are badly outdated in their concept. Over twenty years now housing experts at all levels have been arguing for integrated housing, getting away from the 'massing' of similar housing types, especially multiple-housing. There is a wealth of evidence throughout the Province pointing to a need for land-use planning than is exhibited here.

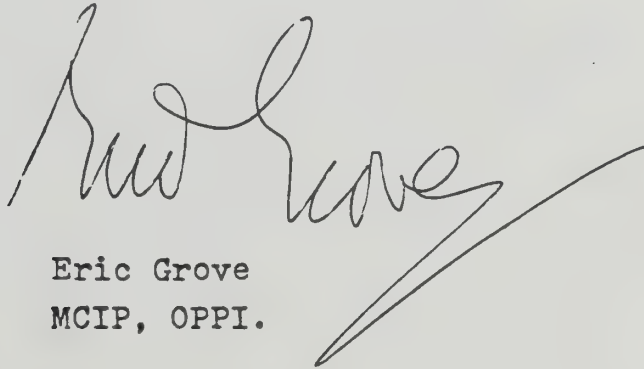
This is not to say, however, that 'the market', which will support a continuation of 50' and 60' lots. But the prevailing preference is still for single-family-dwellings (as to building permits). In Mountview such dwellings on 40' lots would not be inappropriate together with semi-detached, duplex and (a small proportion of) row-houses. This neighbourhood already has its fair share of multiple dwellings. Climate and weather should be factors considered in the design of the Secondary Plan - something that does not appear to have been taken into account so far.

A further illogicality in the massing of multiple housing on Mountview is that the area is about as far from the city and social services and facilities as one can get in Hamilton. Such services and facilities are mainly centred on the city centre, or at the 'Mountain' equivalent - the Limeridge Mall. The old Limeridge Hospital is now of limited community value since it has become dedicated to chronic and specialised ailments; it does not even have an emergency department. To throw the burden of connection upon the local transport and road networks is an unnecessary and unwarranted expense on both the public and the ratepayer's purse.

It would appear that expediency has over-ridden sensible land-use planning for the purpose of maximising land value for the landowner. Such expediency should not be a substitute for

properly considered land-use planning by the Planning and Development Committee, or by Council. I trust the Committee will vigorously refuse to grant the land-uses now requested.

For the record, I do not disagree with the request to change the land uses to 'residential' for Official Plan purposes: I DO OBJECT, however, to the proposed Secondary Plan and to any multiple-dwelling land-use based thereon.

A handwritten signature in cursive script, appearing to read "Eric Grove", with a long, sweeping horizontal stroke extending to the right.

Eric Grove
MCIP, OPPI.

69)

JUL 07 1994

July 4/94

Planning & Development Committee
City Hall
Hamilton

Re the proposed Chedoke Planning
Area Schedule I. I. meeting to be
held on July 30th at 10 a.m.
Why is this meeting set for
10 a.m., most people have to work
and cannot attend. Why can't
it be assigned another time. We
need a good turnout for this meeting
to approve the plan altogether.

A concerned public
tax payer.

[Signature]

*Distributed to: D. Carson, Executive Assistant to the Mayor; V. Abraham,
Director of Local Planning; P. Noé Johnson, City Solicitor, A. Zuidema, Law
Department, M. Main, Traffic Department, L. King, Building Commissioner, D. Lobo,
Director of Public Works - 1994 JULY 8

64)

199 West ...
Hamilton

Ont. L9C 5K5

July 6, 94

Secretary,
Planning & Development Comm.,
City of Hamilton,
City Hall,
Hamilton, Ont. L8N 3T4

JUL 08 1994

We wish to register complaint
that the mountains zoning change
meeting is being held at
1000 hours on July 20th 1994.

This hour will preclude many
working people from attending
& will in fact be discriminatory.

The only conclusion to be drawn
from this action is its intention
of eliminating the major portion
of the community from attendance
thus creating a biased affect.

Yours truly
Doris Brunning &
Vincent Brunning

*Distributed to: D. Carson, Executive Assistant to the Mayor; V. Abraham, Director of Local Planning; P. Noé Johnson, City Solicitor, A. Zuidema, Law Department, M. Main, Traffic Department, L. King, Building Commissioner, D. Lobo, Director of Public Works - 1994

61

38 San Antonio Dr.
Hamilton, Ont.
L9C 5N1

Secretary,
Planning and Development Committee,
City of Hamilton,
City Hall,
Hamilton, Ontario.

JUL 11 1994

Dear Sir,

re: proposed redesignation of lands within the Mountview Neighbourhood.

Briefly, I find myself opposed to the plan as proposed. The following issues concern me:

1. Land use at the southern end of the proposed development : this area is marshy, and at present the home of a considerable number of birds. Would it not be better to preserve it as a wildlife area?
2. The proposed density of the project : this raises two questions :
 - a/ Traffic : there are three schools and a hospital, and a shopping mall in the immediate area. There is enough traffic in the area, and access in and out of the area is difficult due to an overzealous use of stop signs, and the fact that there are only two roads in and out of the development. The streets are narrow, there are hundreds of children using them, and there is already a bus route through the area.
 - b/ Schools. The claim made by the developer in the Spectator some time ago that there is plenty of space in nearby schools is simply ludicrous. Both St. Teresa and Mountview have portables to accomodate classes. Holbrook is a very small school ; the nearest senior school is Chedoke, which is not either near or convenient. Every visit I make to Mountview School confirms that there is not room for many more students. If the developer wishes to build for approximately 2600 people, then at least 30-50 % of those people would be children. Simple mathematics - even a minimum of 780 children would require additions to the schools. Is the developer going to pay for this?

Yours,



Winston Munro.

"Distributed to: D. Carson, Executive Assistant to the Mayor; V. Abraham, Director of Local Planning; P. Noé Johnson, City Solicitor, A. Zuidema, Law Department, M. Main, Traffic Department, L. King, Building Commissioner, D. Lobo, Director of Public Works - 1994 July 12."

84 San Antonio Drive
Hamilton, Ontario
L9C 5N2

(6j)

July 11, 1994

JUL 12 1994

Secretary
Planning and Development Committee
City of Hamilton
City Hall
Hamilton, Ontario
L8N 3T4

Dear Sir or Madam:

We wish to express our grave concerns regarding your proposed amendment involving the redesignation of lands in the Mountview Neighbourhood adjacent to Chedoke Hospital.

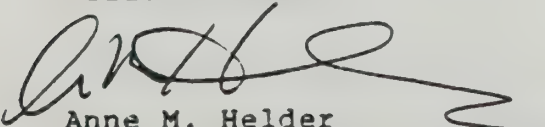
1. The designation of several sections as medium density residential (including apartment buildings) is certainly not in keeping with the present character of the neighbourhood and will do nothing whatsoever to maintain or improve the quality of life in our area.

2. The serious questions raised by a large number of people at a recent public meeting have not in any way been addressed; indeed, they have been totally ignored. It would appear that city hall is in league with a large and powerful corporation whose only aim it is to maximize its profits and which has no qualms about riding roughshod over the interests of local residents. After all, no justification has yet been given for the proposal to alter the character of the neighbourhood by squeezing a large number of apartment dwellers into an area which does not even have ready access to main thoroughfares and in which recreational facilities are already overcrowded.

Yours sincerely,



William Helder



Anne M. Helder

July 9, 1994
JUL 13 1994 (64)

To - Secretary - Planning & Development Committee

Re. - the Proposed Amendments to the Mountview
Neighbourhood adjacent to Chedoke Hospital

- I object to the meeting being held at 10:00 July 20 at a time when most of the people in the adjacent properties will be at work. at was this time picked with this in mind so the community wouldn't be adequately represented?
- I have great concerns with the type of housing proposed for this area. It sounds very much like low income housing which could lead to decreasing the value of the lovely well kept homes established in this area.
- Traffic along Mohawk Road is already heavy adding another 2500 people to this small area will increase road traffic -
- Schools are already crowded. Teachers working with increased student load - and were adding another 2500 people to this area
- We have limited Emergency services at Chedoke Hospital & certainly no beds to admit to. & we're putting 2500 people

on the hospital's doorstep.

These are just a few of my concerns.
As I'm one of the neighbours who has to
work on July 20 - I won't be able to attend
this meeting. But knowing that redevelopment
will take place I hope they re consider the
type of housing for this area - & upgrade it
to more single dwellings

Marilyn Cabelhead
665 Bendamere Ave.
Hamilton

62

From the home of
Bill and Petra Cooke

*27 West 34th Street
Hamilton, Ontario, L9C 5J8 - Phone (905) 383-4914*

9th July, 1994

JUL 13 1994

To Secretary,
Planning and Development Committee,
City of Hamilton,
City Hall,
Hamilton, Ontario
L8N 3T4

Dear Sir/Madam,

Forgive the lateness of this letter - we have just returned from vacation. But with your permission I would like to make some comments on the proposed development on the lands surrounding Chedoke Hospital.

Having lived at the above address for some 20 years, I think we are more than qualified to offer an opinion on the proposal. Along with raising our children in this area we have always had dogs as pets and have enjoyed the closeness of the open fields to exercise them. We have met and made many friends this way over the years, but in all that time I can honestly say that I have never met the leading antagonist, Tom Murray, once in those fields. I was astonished at some of the comments in Saturday's Spectator. Let's get serious. A few skunks and groundhogs do not wildlife make. If you want wildlife I would suggest the escarpment is the place to go. Whilst exercising our animals we have been fortunate to observe everything from rabbits to deer.

Another lady commented on the increased scenario for crime. I agree that today crime is a problem. But that can happen anywhere at anytime. Surely she is not seriously suggesting that only apartment and town house dwellers are responsible for crime. Yet a third person welcomed development providing it was single family homes. A comment that speaks volumes about the gentleman. I may even be tempted to agree somewhat. But in today's society it is not altogether practical. People have a right and a need for affordable housing. Yet another challenges the strain on the school system, when it is common knowledge that both Holbrook [Public] and Regina Mundi [Separate] have been under utilized for years.

When I first saw the plan I thought it very reasonable. The architect appears to have considered everything very carefully. Starting at Mohawk Road where we already have high-rise apartments he has placed more apartments and town houses, up to the laundry and twin pad arenas. The current park on the west side of the plan between the two schools has now been extended to the arena. Moving north to San Pedro we see single and semi-detached homes. What could blend in better with what already exists. Lands have been kept by the hospital for any possible future expansion. And it further appears that the hospital is prepared to donate land for an aquatic centre.

Another point that should be noted here is that without the land donation by Chedoke-McMaster the twin pad arena which I see used on an almost nightly basis still would not be off the ground. Or have we already forgotten the challenges which stopped construction in Olympic Park?

Quite frankly I am amazed at the outcry against this project. We all know that Chedoke-McMaster need the revenue - the type of which the sale of the land to solely single family homes would not be able to provide. Most, if not all of this outcry, comes from one source - a former alderman. And the word former is well used in this sense. We, the electorate, had suffered more than enough of this type of behaviour and saw fit to remove him from office. I wonder how many people are aware that the co-sponsor of the leaflets circulating the area, Cathee Mathews, is in fact Mr. Murray's sister. Or is it only considered fair to divulge all pertinent information when attacking Chedoke-McMaster?

In closing, I find it interesting that people are very vocal when the city has to raise taxes. Why are they then not supportive of a project that will not only add to the city's tax base, but provide many necessary jobs directly for the area's construction industry and provide many spin-off benefits to local businesses.

In short, I support the Chedoke Health Corporation in its endeavours.

Yours sincerely,

W. Cooke

(6 m)

Peter & Emily Bartens
66 San Francisco Ave.
Hamilton, Ontario
L9C 5N9

JUL 14 1994

Secretary
Planning and Development Committee
City of Hamilton
City Hall
Hamilton, Ontario
L8N 3T4

Re: Proposed Amendment to the City of Hamilton Official Plan
for the Mountainview Neighbourhood

Dear Sirs:

We wish to go on record opposing the proposed amendment for the following reasons:

- 1) the proposed population densities exceed those of the existing neighbourhood
- 2) existing traffic patterns for the neighbourhood are poorly designed and the proposal would make them worse
- 3) the existing schools appear to be at capacity and could not support the increased densities
- 4) the proposed storm water retention ponds will be a safety hazard
- 5) there are sufficient non-profit units in the area

We believe the consulting firm May-Pirie, hired by Chedoke Health Corporation, is significantly misrepresenting the existing demographics, population densities and land use for the purpose of increasing the population densities in the lands involved in the proposed amendment. This has been done by including the highrise areas along Mohawk Road as part of the Mountainview Neighbourhood. We feel that these highrises should be excluded from our neighbourhood as they are serviced off Mohawk Road and create no traffic etc. in our survey. If you can appreciate this stance then it will be clear that the rest of the neighbourhood is made up of single family, semi's and a few townhouses.

We believe that to conserve energy and help the environment the less distance one has to drive, the better. From where we live it is an interesting weave to get to Mohawk Road. The proposal indicates that we now will get to drive around a large horseshoe road called Chedmac Drive. If the shortest distance between two points is a straight line, perhaps the planners

should be advised to straighten out the minor arteries of this survey rather than create more scenic tours for us!

We feel that open storm water retention ponds may be acceptable if located in industrially zoned properties however locating them inside a residential area sounds dangerous as water will prove an irresistable attraction to the kids. Additionally, it would appear that this will become an attractive mosquito breeding ground.

There have been no privately owned apartments built in this area for the last twenty years, thanks to rent control etc. Consequently anyone requesting zoning for higher densities has only one market - the non-profit housing sector. We feel that the West Mountain has more than its fair share of non-profit housing. Adding more into this neighbourhood will certainly add to the problems that already exist. Do we all have to move to Ancaster and give them your tax dollars?

Yours truly:

A handwritten signature in cursive script, appearing to read "Peter and Emily Bartens".

Peter and Emily Bartens

7a)

OFFICE OF THE CITY CLERK

MEMORANDUM

TO: Tina Agnello, Secretary
Planning and Development Committee

YOUR FILE:

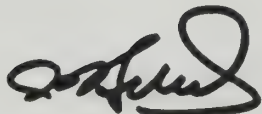
FROM: Mr. J. J. Schatz
City Clerk

OUR FILE:
PHONE: 546-2727

SUBJECT: ZAC-93-42, rear of 1094 Upper Sherman
Avenue - Request for Owner to hold By-law
in abeyance, pending OMB Decision on
ZAC-93-43, front of 1094 Upper Sherman
Avenue, and Section 22.(b) Bill C-29 -
Referral.

DATE: 1994 June 30

Please be advised that City Council at its meeting of 1994 June 28th, referred the attached correspondence from Mr. Ashok Kumar regarding the above-noted to the Planning and Development Committee. In addition Bill C-29, attached hereto, was also referred back to the Planning and Development Committee.



JJS/TA/dbm
Attachments.

c.c.- Alderman D. Drury, Chairperson
Planning and Development Committee

- Mr. Ashok Kumar, 81 Christie Street,
Hamilton, ON L9B 1J9

Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noé Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department, Alderman D. Drury, Chairperson, Planning and Development Committee, Alderman F. Eisenberger, Vice-Chairperson, Planning and Development Committee dated - 1994 June 13 + Art Zuidema, Law Dept.

ASHOK KUMAR
81 Christie St.
Hamilton, On. L9B 1J9

JUN 13 1994

*This went to
Council*

June 13, 1994.

Mr. Joe Schlatz
City clerk
City of Hamilton
71 Main Street West
Hamilton, On. L8N 3T4

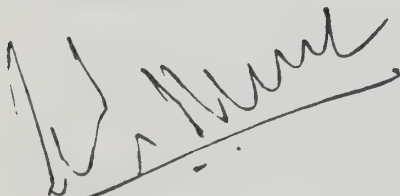
Re: ZAC-93-42 and ZAC-93-43

Dear Mr. Schlatz;

I am the applicant for the zoning applications ZAC-93-42 and ZAC-93-43. Based on the fact that ZAC-93-43 was denied by the council, I wish to request that the bylaw regarding my application ZAC-93-42 be held in abeyance pending the outcome of the O.M.B. decision on ZAC-93-43.

I trust this is satisfactory. Thanking you very much for your co-operation.

Yours truly;



Ashok kumar

The Corporation of the City of Hamilton

BY-LAW NO. 94-

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED AT THE REAR OF NO. 1094 UPPER SHERMAN AVENUE

WHEREAS it is intended to change the zoning of the lands hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-27A of the District Maps, appended to and forming part of By-law No. 6593, is amended,

(a) by changing from "AA" (Agricultural) District, to "C" (Urban Protected Residential, etc.) District.

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this

day of

A.D. 1994.

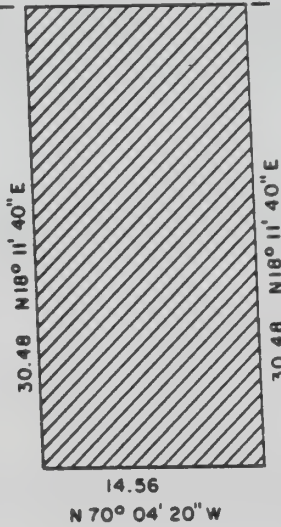
CITY CLERK

MAYOR

(1994) 9 R.P.D.C. , May 31
Ashok Kumar, Owners
ZAC-93-42

PARKWOOD CRESCENT

S.W. CORNER OF
LOT 13 - PLAN 62M-512
N 70° 04' 20" W
14.56
9.046



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 94-.....
Passed the day of, 1994.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 94-.....
to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Change in zoning from:



"AA" (Agricultural) District to
"C" (Urban Protected Residential,
etc.) District.

North



Scale
Not to Scale

Date
MAY 1994

Reference File No.
ZAC-93-42

Drawn By
Z.K.

The Corporation of the City of Hamilton

BY-LAW NO. 94-

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED AT THE REAR OF NO. 1094 UPPER SHERMAN AVENUE

WHEREAS it is intended to change the zoning of the lands hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-27A of the District Maps, appended to and forming part of By-law No. 6593, is amended,

(a) by changing from "AA" (Agricultural) District, to "C" (Urban Protected Residential, etc.) District.

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

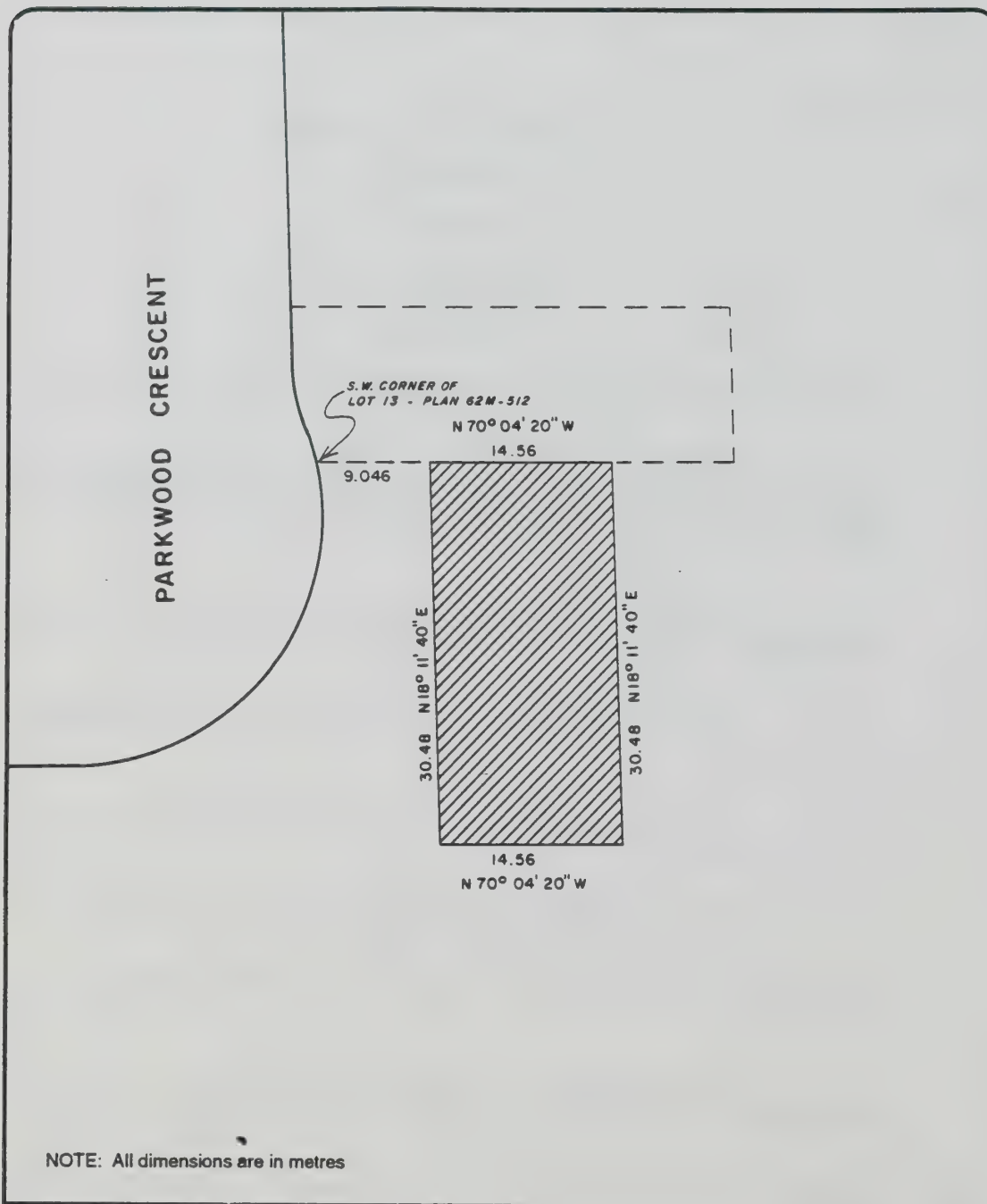
2. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 1994.

CITY CLERK

MAYOR

(1994) 9 R.P.D.C. , May 31
Ashok Kumar, Owners
ZAC-93-42



This is Schedule "A" to By-Law No. 94-.....
Passed the day of, 1994.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 94-.....
to Amend By-Law No. 6593

Regional Municipality of Hamilton Wentworth
Planning and Development Department

Legend

Change in zoning from:



"AA" (Agricultural) District to
"C" (Urban Protected Residential,
etc.) District.

North



Scale
Not to Scale

Date
MAY 1994

Reference File No.
ZAC-33-42

Drawn By
ZK

76)

OFFICE OF THE CITY CLERK

MEMORANDUM

TO: Tina Agnello, Secretary
Planning and Development Committee

YOUR FILE:

FROM: Mr. J. J. Schatz
City Clerk

OUR FILE:

PHONE: 546-2727

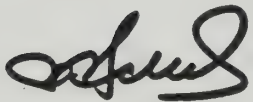
SUBJECT: Demolition of:
(a) 131 Forest Avenue
(b) 137 Forest Avenue

DATE: 1994 June 29

Please be advised that Council at its meeting of 1994 June 28th, referred back Items 10.(a) and (b) of the **TENTH** Report for 1994 of the Planning and Development Committee as follows:

"10. That the Building Commissioner be authorized to issue a demolition permit for:

- (a) 131 Forest Avenue
- (b) 137 Forest Avenue"



TA/dbm

c.c.- Alderman M. Kiss

- Alderman W. McCulloch

- L. King, Building Commissioner

App'd by Committee 1994 June 22
Referred Back
~~App'd~~ by Council 1994 June 28

Cai)

CITY OF HAMILTON

- RECOMMENDATION -

JUN 14 1994

DATE: 1994 June 13

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
131 FOREST AVENUE - Tag Number 91932
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 131 FOREST AVENUE.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: E-3 (Multiple Dwellings)

PRESENT USE: Single Family Dwelling


PROPOSED USE: Low Rental Housing

BRIEF DESCRIPTION: 2 storey brick veneer dwelling

The proposed use on the submitted application is Low Rental Housing for this land. However, the Housing Division of this Department nor the Planning Department can confirm this proposal. The house was of interest to LACAC, however, we have been notified that the building is no longer considered worthy of designation and LACAC is not objecting to the demolition. Lot size 32.8' x 132'.

The owner of the property as per the demolition permit is:

Community Network
403 King Street West
Hamilton, Ontario


EB/zr

App'd by Committee 1994 June 22
Revised ^{Back} App'd by Council 1994 June 28

Ca ii)

CITY OF HAMILTON

- RECOMMENDATION -

JUN 14 1994

DATE: 1994 June 13

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
137 FOREST AVENUE - Tag Number 91933
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 137 FOREST AVENUE.


FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: E-3

PRESENT USE: Single Family Dwelling

PROPOSED USE: Low Rental Housing

BRIEF DESCRIPTION: 2 storey wood frame dwelling

The proposed use on the submitted application is Low Rental Housing for this land. However, the Housing Division of this Department nor the Planning Department can confirm this proposal. The house was of interest to LACAC, however, we have been notified that the building is no longer considered worthy of designation and LACAC is not objecting to the demolition. Lot size 32.8' x 132'.

The owner of the property as per the demolition permit is:

Community Network
403 King Street West
Hamilton, Ontario


EB/zr

ROBERT M. MORROW
MAYOR



8a)+b
JUN 10 1994

June 8th, 1994

✓
MEMO TO: Mr. Kevin Christenson, Secretary
Transport and Environment Committee
✓ Mrs. Tina Agnello, Secretary
Planning and Development Committee
FROM: Mayor Robert Morrow

Would you please place on both the Transport and Environment Committee Agenda and the Planning and Development Committee Agenda the following items for general discussion.

1. Access routes to the Harbour
2. Beautification of same

Thanks.

RMM:tt



City Hall
71 Main Street West, Hamilton, Ontario Canada L8N 3T4
Telephone: (905) 546-2790
Fax: (905) 546-3915 546-2448 (TDD Only)



9.

CITY COUNCIL
HAMILTON, CANADA

Alderman Don Ross

Chairman - Economic Development & Planning
Chairman - Finance & Administration

71 MAIN STREET WEST L8N 3T4 • (416) 546-2730 • RES: (416) 387-1842 - Ward 8

June 28, 1994.

JUL 04 1994

TO: Tina Agnello,
Secretary,
Planning and Development Committee.

FROM: Don Ross,
Alderman, Ward 8.

SUBJECT: PLANNING AND DEVELOPMENT COMMITTEE - JULY 20, 1994.

This is to let you know that the residents living on Firenze and Greencedar are very concerned about the **retaining wall** in their rear yard, and believe that the City should share some of the blame and responsibility for this separation between lots.

We held a Public Meeting at City Hall with Don Inglis, Art Zuidema and myself in attendance, to discuss this concern. We were unable to come to a consensus or resolution. Therefore, I would like to have this placed on the Agenda for the July 20th Meeting of the Planning and Development Committee, in order for them to hear the residents.

Don Ross,
Alderman, Ward 8.

DR:dd

c.c. Residents of Firenze and Greencedar;
Alderman Don Drury - Chairman, Planning and Development Committee;
Alderman Frank D'Amico - Ward 8;
Don Inglis - Supervisor of Field Services, Building Department;
Art Zuidema - Solicitor - Development and Real Estate Division.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 July 14 JUL 14 1994
(4506)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

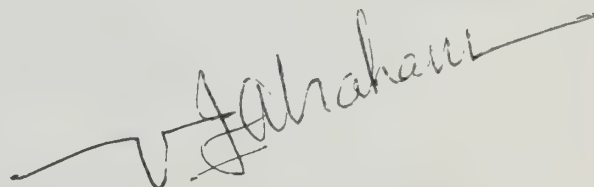
FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V.J. Abraham
Director of Local Planning

SUBJECT: Application of Demolition Control Conditions for Residential Buildings in the
Downtown

RECOMMENDATION:

That appropriate conditions for demolition control under Section 33 of the Planning Act be applied to all buildings with a residential component in the downtown area, as shown on the attached map marked as APPENDIX "A".



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

At its meeting of August 1993, the Planning and Development Committee approved the recommendation of CAPIC "to undertake a City Initiative to delete "Public Parking Lots" as a permitted use from all zoning district, except "G-3" (Public Parking Lots) District."

As per the direction of the Planning and Development Committee and City Council, the Planning and Development Department is undertaking a review of parking lots as a permitted use in downtown zoning districts. It is anticipated this report will go to a Public meeting in the late Fall.

APPLICATION OF DEMOLITION CONTROL CONDITIONS

- Comments:

Since 1989, a serious trend has emerged in the downtown which involves the demolition of buildings, and its place parking lots are established. Examples include the demolition of the Zellers building, Robinsons building, Dare factory, Philpott Church, etc. Generally, parking lots function as temporary uses until such time as the economic climate is favourable for redevelopment.

The increase in the number of parking lots can be attributed to a number of factors: the high vacancy rate within buildings; taxes on vacant buildings are higher than those on parking lots; and, parking lots generate revenue. From the owners perspective, there appears to be economic benefits:

- the demolition of the building results in lower taxes;
- there is no longer the financial commitment to maintaining the building; and,
- the use of the land as a parking lot is a temporary use that can be ceased at any time but revenue can be generated in the mean time.

The establishment of parking lots on these sites previously occupied by buildings has economic and planning repercussions.

- a) it creates gaps in the urban fabric (building form);
- b) it undermines the viability of the existing commercial uses by creating gaps in the commercial frontage; thereby eroding the downtown;
- c) the indiscriminate location of parking lots in the downtown core is contrary to Policy 4.8.7 of the Central Area Plan that states:

"4.8.7 To preserve and promote the economic health of the downtown core as the Regional economic centre, sufficient parking spaces

should be available. Parking facilities should be improved, both by the City and privately. These spaces should be conveniently located and operated in such a manner as to encourage their use for short term parking needs for shopping, entertainment, and business. As such, parking should be provided in accordance with the following provisions:

- iv) Major parking facilities should be located and arranged so as to minimize through traffic and reduce congestion. They will be encouraged to locate in the Downtown Core."*

The Central Area Plan attempts to restrict the location of public parking lots to the areas designated "Downtown Core" on the Plan's Land Use Schedule. This area coincides with the commercial core of the City - the commercial centre at King and James and the extended commercial areas of King Street East and West and James Street North and South.

- d) in some cases, there would be a loss of a building of architectural and historical significance; and,
- e) a negative impact on pedestrian flows since cars travel across the sidewalks accessing parking lots, thereby interrupting pedestrian movement.

- Legislation:

Section 33 of the Planning Act authorizes municipality to pass Demolition Control By-laws for residential buildings. Under Demolition Control the municipality can apply conditions such as requiring the owner to obtain a building permit prior to the issuance of a demolition permit and placing a time line on the completion the building (i.e the building to be substantially completed within two years of the issuance of the building permit). If the building is not completed the owner may be fined a maximum of \$20,000 per unit.

In 1974, the City passed By-law No. 74-290 placing the entire City under Demolition Control. Generally, the conditions, as noted above, are placed on the property if a request is made to Council for a specific property. Council has approved placing conditions under the Demolition Control in the past, but it has not been a frequent occurrence.

It should be noted the owner can appeal the conditions to the Ontario Municipal Board. In addition, the Planning Act allows the owner to appeal the conditions to Council if the owner considers that it is not possible to complete the new building within the specified time frame or the construction of the new building is not feasible on economic or other grounds.

- Recommendation:

In this regard, it would be appropriate for Council to direct that conditions under Section 33 of the Planning Act be extended to all buildings in the downtown area, which have a residential component.

CONCLUSION:

That appropriate conditions for demolition control under Section 33 of the Planning Act be applied to all buildings with a residential component in the downtown area, as shown on the attached map marked as APPENDIX "A".

JHE/jhe

a:demoliti.com



CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 July 11 JUL 14 1994

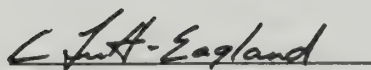
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. C. Firth-Eagland
Acting Director of Public Works

SUBJECT: Ferguson Avenue Between Barton and Cannons Streets.
jobsOntario - Community Capital Application.

RECOMMENDATION:

- i) That the Public Works Department make application for an amount upto a total gross authorization of \$269,610. under the Provincial Government's jobsOntario - Community Capital Program, for the implementation of the landscaping and streetscaping component of the revitalization of Ferguson Avenue between Barton and Cannon Streets, and that this project be proceeded with only on approval of provincial funding.
- ii) That the monies contributed by the Provincial Government, should the application prove successful, be deducted from the 1995-2003 Capital Budget submission for for revitalization of Ferguson Avenue.
- iii) That the Finance and Administration Committee be requested to recommend the method of financing.


C. Firth-Eagland

Acting Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

At its meeting of 1993 May 25, City Council approved Section 2 of the Twelfth Report of the Finance and Administration Committee as follows:

2. (a) That a policy be established where the budget for a capital project include a subsidy, donation, cost sharing or an allocation of funding from an outside source, the project will proceed only upon receipt of a definite commitment to that external funding to the satisfaction of City Council; and,
- (b) That the City Treasurer be directed to apply any unbudgeted grant or other funding received from an external source, for projects previously approved by City Council, towards the financing of those projects and reduce the authorized financing from reserves or debentures accordingly, and further that these unbudgeted receipts not be used to increase the gross cost of the project; and,
- (c) That any exception to (a) and (b) noted above be forwarded to the Capital Budget Sub-Committee and Management Team for review and recommendation for consideration by the Finance and Administration Committee.

The Capital Budget Sub-Committee considered this matter at a meeting held on 1994 June 27 and endorsed the recommendation outlined in this report.

Sufficient funds for implementation of the revitalization of Ferguson Avenue between Barton and Cannon Streets for the road, sidewalks, curbs and street lighting are available within the Local Improvement Capital Account Centre Number 5294 26009 and the Street Lighting Account. The total estimated cost for these components amounts to \$817,000. of which \$335,950.50 represents the abutting property owners' share as dictated under the Local Improvement Act.

Should an application under the jobsOntario - Community Capital Program, prove successful for maximum Provincial contribution this would result in an allocation of \$269,610. allowing for the implementation of the landscaping and streetscaping component of the Plan. At the present time Capital Budget monies for the revitalization of Ferguson Avenue from the Escarpment to the Bay are identified in 1998. At the time of submitting the 1994-2002 Capital Budget submission \$1,800,000. was estimated for the implementation of the revitalization noting that a more realistic cost estimate would result from the completion of the Master Plan. In its draft form the total estimated cost is \$7,200,000. A new Capital Budget submission will be prepared and submitted as part of the 1995-2003 Capital Budget review process that will represent an increase in funding. As per City policy, should a

provincial contribution be awarded this amount will be reflected as a deduction in the 1995-2003 Capital Budget submission.

Implementation of this project will result in an estimated \$23,900. increase in annual maintenance and will be presented as a current budget adjustment for the 1995-96 fiscal year.

BACKGROUND:

Staff from the Public Works and Planning and Development Departments have been working with the Ferguson Avenue Revitalization Advisory Committee (F.A.R.A.C.) since its inception in June 1992. F.A.R.A.C. was established to ensure public participation in the creation of a Master Plan for the revitalization of Ferguson Avenue between the Escarpment and the Bay. It is anticipated that the Master Plan will be complete by July 1994.

Due to the Carter Square residential development, located between Barton and Cannon Streets abutting Ferguson Avenue, staff were requested to bring that portion of the Plan forward for implementation under the Local Improvement Act. Subsequently the concept plan for this portion of Ferguson Avenue was approved by the Planning and Development Committee and ultimately City Council at its meeting held 1994 May 31. As per the approved recommendation the cost for the road, sidewalk, curbs and street lighting are available under the Local Improvement Act Account and Street Lighting Account. The remaining elements i.e. landscaping, streetscaping etc. are estimated at \$255,270. which will be covered under the Ferguson Avenue Capital Budget identified in 1998.

Public Works staff would like to take the opportunity to apply for funding under the jobsOntario Community Capital Program utilizing the Local Improvement and Street Lighting monies as the municipal contribution which will enable the implementation of the remaining elements thus a complete section of the revitalization will be implemented serving as a catalyst for the upgrading of physical, social, economic and environmental well-being of the community which is one of the objectives of the Project. Also, since the jobsOntario Program is a three year Provincial initiative and to date monies are identified for the revitalization of Ferguson Avenue in 1998, we would like to ensure that application is made prior to the monies being exhausted.

- c.c. K. Christenson, Secretary, Transport and Environment Committee
 A. Ross, City Treasurer, Treasury Department
 C. Firth-Eagland, Acting Director of Public Works Department
 R. Meiers, Operations Engineer, Public Works Department
 B. Janssen, Division Head, Planning & Development Department

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PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1994 July 20

CONSENT AGENDA

A. ADOPTION OF THE MINUTES

Minutes of the Planning & Development Committee Meeting Held 1994 June 22.

B. ACTING SECRETARY, LACAC

Former St. Mark's Anglican Church Site, 130 Bay Street South - Designation.

C. COMMISSIONER OF PLANNING AND DIRECTOR OF LOCAL PLANNING

- (a) Zoning Application 91-56 - Lands Located on the East Side of Upper James Street, South of Regina Drive - Nos. 1489, 1491, 1493, 1495 and 1505 Upper James Street)
- (b) Extension of Draft Plan Approval "Ridgeview Estates" Subdivision.
- (c) Site Plan Control Application DA-93-21 for a Gas Bar, Car Wash and Convenience Store on the Property at No. 528 Mohawk Road East
- (d) Environmental Impact Statement - West Side of Nash Road, North of the C.N.R. Railway Tracks

D. BUILDING COMMISSIONER

- (a) Closure of Capital Accounts
- (b) Amendment to Property Standards By-law No. 74-74
- (c) Loan Deferral - James Street Baptist Church
- (d) Appointment By-law No. 92-094
- (e) Commercial Loan Programme - 245 King William Street
- (f) Hamilton Emergency Loan Programme - 443 Melvin Avenue

- (g) Demolitions:
 - (i) 701 Upper Sherman Avenue
 - (ii) 1400 Upper Sherman Avenue
 - (iii) 132 Craigroyston Avenue
 - (iv) 112 Province Street North
 - (v) 499 Charlton Avenue East
 - (vi) 50 Holly Avenue
 - (vii) 108 Annabelle Street

E. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

Wednesday, 1994 June 22
9:30 o'clock a.m.
Room 233, City Hall

A.

The Planning and Development Committee met.

There were present: Alderman D. Drury, Chairperson
Alderman F. Eisenberger, Vice-Chairperson
Alderman M. Kiss
Alderman W. McCulloch
Alderman F. D'Amico
Alderman H. Merling
Alderman B. Charters
Alderman D. Wilson

Regrets: Mayor R. M. Morrow - Vacation

Also present: Paul Mallard, Planning Department
Caroline Floroff, Planning Department
Bill Janssen, Planning Department
John Sakala, Planning Department
Joe Lakatos, Planning Department
Christine Lee-Morrison, Planning Department
Ray Lee, Planning Department
Len King, Building Commissioner
Peter Lampman, Deputy Building Commissioner
Eugene Chajka, Transportation/Environmental Services
Art Zuidema, Law Department
Roland Karl, Traffic Department
Tina Agnello, Secretary

A G E N D A

PUBLIC MEETINGS

1. Zoning Application 94-13, N. MacInnis and J. MacInnis, owners, for a change in zoning from "AA" District to "C" District, for lands located at 185 Annabelle Street; Gourley Neighbourhood.

The applicants were present in support of the application.

A submission was received by Allan and Ann Louise Zandberg of 181 Annabelle Street, as recommended by the Commissioner of Planning and Development in the report dated 1994 June 8. The Committee recommended to Council as follows:

That approval be given to Zoning Application 94-13, Norman and Jacqueline MacInnis, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the development of the subject lands for a single-family dwelling, for property located at 185 Annabelle Street, shown on the attached map marked as Appendix "A", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,
- (b) That the Director of Local Planning be directed to prepare a By-law to amend Zoning By-law No. 6593 in a form satisfactory to the City Solicitor, and Zoning District Map W-17C for presentation to City Council; and,

- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

2. Amendment to the Official Plan and Zoning Application 94-09, Seven Towers Non-Profit Family Day Care Inc., owner, for a further modification to the "C" District regulations, for lands located at 44 Greendale Drive, Gilkson Neighbourhood.

Submissions were received by:

- (a) Mr. & Mrs. Gruener, 21 Greendale Drive, Hamilton; and,
(b) Mr. & Mrs. Edwards, 190 Golden Orchard Drive, Hamilton; and,
(c) Mr. J. Dorsay, 33 Greendale Drive, Hamilton.

Caroline Floroff explained that the amendment to the Official Plan is to permit Office Use in addition to the already existing Day Care Nursery, which will be limited to 104 children. Mr. Floroff explained that the lands are designated "Civic and Institutional and that the Day Care capacity of children will be reduced from 200 to 104. She stated that in terms of traffic, there are two exit points, from Garth and from Greendale. She also stated that the additions should be exempt from Site Plan Control, and also advised that the Applicant has stated that the site drains to the centre and therefore the drainage is in order. Based on the foregoing comments, Caroline Floroff stated that the Planning Department is recommending approval.

Marnie Flaherty, Applicant was present, and supported the application.

John Dorsay of 33 Greendale Drive was present in opposition. He was concerned with the increased traffic, safety of children, and increase of on-street parking.

Ms. Flaherty explained that the licence right now is for 144 children. Most traffic and parking concerns are for the evenings and week-ends, and she stated that the Day-Care service does not operate during this time. In terms of an increase in staff, this will be minimal.

Scott Brownsman of 186 Golden Orchard Drive was present. He was concerned with the 2 or 3 willow trees which are approximately 40 years old. Ms. Flaherty explained that there are no plans to tear the trees down. She said that basically this Application is to provide an office for an administration.

Eric Williams of 29 Glendale Drive was present and asked about the staff ratio. She said that presently there are 25 staff and that with the Office addition, there will be 23 staff plus 12 people in the Office.

Alderman D'Amico felt that the Application should be tabled.

In response to a question from Alderman Eisenberger, Caroline Floroff explained that the alley from Garth to Glendale will remain open and there are speed-bumps on it. She does not believe that the traffic pattern will be changed.

Alderman Kiss had no major concerns with the Application since out of 153 circulated, 8 replied in favour and 6 were opposed.

As recommended by the Commissioner of Planning and Development in a report dated 1994 June 14, the Committee recommended to Council as follows:

- A. That approval be given to Official Plan Amendment No.126 to establish a new Special Policy Area to permit an office use in a Residential

designation, for property located at 44 Greendale Drive and that the City Solicitor be directed to prepare the By-law of Adoption for submission to the Regional Municipality of Hamilton-Wentworth.

- B. That approval be given to amended Zoning Application ZAC-94-09, Seven Towers Non-Profit Family Day Care Inc., owner, requesting a further modification to the established "C" (Urban Protected Residential, etc.) District to permit branch administrative offices for a day care agency and a day care centre for the accommodation of a maximum of 104 children, on lands located at 44 Greendale Drive as shown on the attached map marked as Appendix "B", on the following basis:
- (a) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of By-law No. 6593, as amended by By-law No. 75-190, applicable to the subject lands, be further modified to include the following variances as special requirements:
- (i) That Clause 1 of Section 2 of By-law No. 75-190 be deleted and replaced with the following:
- "(1.) That notwithstanding Section 9(1)(iii) of Zoning By-law No. 6593, a day nursery for the accommodation of not more than 104 children will be permitted; and,
- (2.) That notwithstanding Section 9(1) of Zoning By-law No. 6593, an administrative office for a child care agency only will be permitted in conjunction with an existing day nursery."
- (b) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-420a, and that the subject lands on Zoning District Map W-27B be notated S-420a; and,
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, and By-law No. 75-190, and Zoning District Map W-27B for presentation to City Council; and,
- (d) That the proposed changes in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No.126 by the Regional Municipality of Hamilton-Wentworth; and,
- (e) That the approved Gilkson Neighbourhood Plan be amended to add a note that an office use exists in conjunction with the children's day nursery.
- C. That this proposed addition (see Appendix "C" attached) be exempt from Site Plan Control.

***Note:** Alderman D'Amico recorded as opposed.

3. COMMISSIONER OF PLANNING AND DEVELOPMENT**(a) City Initiative 93-C - Review of Minimum Lighting Requirements for Public Parking Lots.**

As recommended by the Commissioner of Planning and Development and the Director of Local Planning in the report dated 1994 June 13, the Committee recommended to Council as follows:

That approval be given to City Initiative-93-C, respecting lighting requirements for public parking lots, on the following basis:

- (a) That a lighting plan depicting night time use, including the position, quantity and type of lighting for public parking lots, be included under the Site Plan Control Approval process; and,
- (b) That the "Recommended Maintained Horizontal Illuminances for Vehicle Use Area (only) in Open Parking Facilities" as set out under the IES Lighting Handbook 1987 (fig. 14-27) or latest version, be adopted as a lighting design guideline for approval of the lighting plan submitted under Site Plan Control; and,
- (c) That the Roads Department be requested to review the lighting plans, through Site Plan Approval Process, for acceptability.

A brief discussion ensued regarding Parking Lots at Apartment Buildings. Alderman Merling pointed out that recently there has been a rash of car thefts in Parking Lots which have been lacking in lighting. He stated that lighting is important in Private Parking Lots to ensure safety.

Following a brief discussion, the Planning and Development Committee directed the Building Commissioner to prepare a report for the Committee with regard to amending the Property Standards By-law to include provisions for safe lighting in Private Parking Lots.

(b) Site Plan Control Application DA-92-13, by Ritlyn Investments, owner of lands at 95 Mary Street, to establish a parking lot; Beasley Neighbourhood.

William Shapiro of Ritlyn Investments was present and stated that he does not agree with the paving requirement.

Mr. Sakala explained that hard servicing was specified from the very beginning and Peter Lampman confirmed that the parking area is required to be hard surfaced under By-law.

Mr. Shapiro pointed out that the original plans approved 1992 August 4, state either hard surfacing or limestone screening.

Mr. Lampman advised that limestone screening is not permitted.

In response to a question from Alderman Merling regarding the cost of the delays from 1992 to the present, Mr. Shapiro explained that a new plan was drafted which limited the amount of landscaping, but this plan also requires that the lot be hard surfaced.

Mr. Sakala added that the original documents were registered on time but they were not appropriately executed.

Alderman McCulloch stated that there were two options, to go with the original approved plan which states that limestone screening is permitted, but has additional landscaping, or with the new plan with less landscaping but that the parking lot must be paved.

Paul Mallard added that it was made clear to the applicants that the lot would be required to be hard surfaced. The applicants then came back to the Planning Staff and explained that it is not cost efficient to pave.

Following discussion the Committee moved to **table** this matter, in order that staff may meet with the applicant to determine what option would be most acceptable.

(c) **Official Plan Amendment and Zoning Application 94-03 - 180 Walnut Street - Tabled at a previous meeting.**

Caroline Floroff stated that this application was before the Committee previously and that it was tabled in order to allow the applicant to determine what alternate uses can be determined for this property. The Applicant now would like to remain on the basis of developing a restaurant. She stated that at present only "Commercial Office Use" is permitted. Restaurant use is not permitted. She stated that Planning Department concerns are based on potential noise, litter and lack of parking. She also stated that since there is no classification regarding the type of restaurant, a new owner has the right to turn it into a Sports Bar.

Ivor Civitarese, the Applicant, was present. He stated that the restaurant will be upscale and will hold approximately 45 people, and will cater to the surrounding residents.

Collin Eddy, of 142 Forest Ave, was present. He was concerned that at the previous meeting he was assured that a restaurant use would not be permitted. He suggested that the application be tabled to notify the surrounding residents of potential restaurant use.

Alderman Charters was in opposition of the application. He stated that it is too close to residents and will cause traffic and congestion. He felt that a suitable use would be art gallery, bookstore or/and office.

A discussion ensued with regard to type of restaurant which can be zoned. It was determined that there is no breakdown on the definition on the types of restaurants in the Zoning By-law.

Alderman McCulloch stated that presently the property is zoned C-3, which allows high-rise apartments.

Alderman Eisenberger suggested a temporary zoning to which the applicant was favourable.

Mr. Eddy was still concerned that a traffic problem will persist, especially after 5:00 p.m., when parking demand is at its highest.

Following a brief discussion, the Committee moved to recommend to Council a two-year temporary Zoning By-law as follows:

- A. That approval be given to Official Plan Amendment No. 127 to establish a new Special Policy Area to permit a restaurant in a Residential designation, for property located at 180 Walnut Street South and that the City Solicitor be directed to prepare the By-law of Adoption for submission to the Regional Municipality of Hamilton-Wentworth.
- B. That approval be given to amended Zoning Application ZAC-94-03, Ivo Civitarese et al, owner, requesting a further modification to the established "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, to permit a restaurant within the existing building as a temporary use for a period of two (2) years, on lands located at 180 Walnut Street South, as shown on the attached map marked as Appendix "D", on the following basis:
- (a) That the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11A of By-law No. 6593, as amended by By-law 76-312, applicable to the subject lands, be further modified in accordance with Section 39 of the Planning Act, R.S.O., 1990, to permit the temporary use of the existing building for only a restaurant for a maximum period of two (2) years, and include the following variance as a special requirement:
 - (i) That notwithstanding Section 18A of By-law No. 6593, no parking is required on-site;
 - (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 a Schedule S-490a, and that the subject lands on Zoning District Map E5 be notated S-490a; and,
 - (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E5 for presentation to Council; and,
 - (d) That the proposed modification in zoning will be inconformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. 127 by the Regional Municipality of Hamilton-Wentworth; and,
 - (e) That the approved Corktown Neighbourhood Plan be amended to add a note that a restaurant will be permitted as a temporary use for a period of two years from the date of Council approval.

*Note: Alderman Charters recorded as opposed.

- (d) (i) Proposed Official Plan Amendment Application;
- (ii) Zoning Application 93-39 - North-west corner of Rymal Road West and Garth Street;
- (iii) Proposed Draft Plan of Subdivision (Regional File 25T-93013).

Caroline Floroff explained that the application was tabled in 1994 February to allow the applicants to meet with the residents. She explained that an Official Plan Amendment is required and a Neighbourhood Plan Amendment is also required. She stated that "Block 2" is to be limited to specifically medical uses. Landscaping will be required throughout the property, and the appropriate red line subdivisions must be made to the plan. A Condition exists for the owner to submit a traffic plan.

John Ariens, of Planning Initiatives Ltd., on behalf of the Applicant was present. He was concerned with the proposed uses in "Block 2" and suggested that opticians clinic and sales service and rental of medical services and supplies be included.

Paul Mallard concurred that there would be no problem with adding these uses. Mr. Mallard continued by stating that the application is for two & a half storeys, and that City Council would like two storeys.

John Ariens stated that there will be a basement and two floors on top of that which will be up to nine metres above ground. The Committee agreed that the approval would specify that two storeys only be permitted above ground.

Mr. Tony DeSilvestro was present. He stated that there should be an agreement between him as the abutting neighbour and the applicant. He stated that he will only agree with the application providing that the parties will sign the agreement which affects his abutting land. He stated that servicing is an issue and land for a road is also an issue.

Alderman D'Amico stated that he is ready to approve the application, but that the agreement which was discussed and agreed to in Alderman's D'Amico's office on 1994 May 16, should be signed prior to the Council meeting.

Following a brief discussion, the Committee moved to approve the recommendation that the Commissioner of Planning and Development in the report dated 1994 June 14, as amended, as follows:

- A. That approval be given to Official Plan Amendment No.124 to redesignate a 2.6 acre parcel of land from "Residential" to "Commercial" (Blocks "2" and "3"), and the City Solicitor be directed to prepare a By-law of Adoption for submission to Regional Municipality of Hamilton-Wentworth.
- B. That approval be given to amended Zoning Application 93-39, Mr. Jerry Amatangelo (In Trust), owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for Block "1"; to "G-4" (Designed Neighbourhood Shopping Area) District, modified for Blocks "2" and "3" for lands located at the north-west corner of Garth Street and Rymal Road West, shown as Blocks "1", "2", and "3" on the attached map marked as Appendix "E", on the following basis:

- (a) That Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,
- (b) That Blocks "2" and "3" be rezoned from "AA" (Agricultural) District to "G-4" (Designed Neighbourhood Shopping Area) District; and,
- (c) That the "G-4" (Designed Neighbourhood Shopping Area) District regulations as contained in Section 13D of Zoning By-law No. 6593, applicable to the subject property be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 13D.(1) of Zoning By-law No. 6593, only the following commercial uses shall be permitted on Block "2" of the subject lands:
 - (1.) Medical Office
 - (2.) Medical Laboratory
 - (3.) Pharmacy
 - (4.) Physiotherapy Office
 - (5.) X-ray Office
 - (6.) Optician Office
 - (7.) Retail Sale and Rental of Personal Health Aids
 - (ii) That notwithstanding Section 13D.(3) of Zoning By-law No. 6593, no building or structure on Block "2" shall exceed 2 storeys (11.0m) in height; and,
 - (iii) That notwithstanding Section 13D.(5) of Zoning By-law No. 6593, the lot area shall not exceed 10,548.0 m²; and,
 - (iv) That a minimum 6.0 m planting strip, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the entire northerly lot line of Blocks "2" and "3", and westerly lot line of Block "2"; and,
 - (v) That a minimum 3.0 m planting strip shall be provided and maintained along the entire southerly lot line of Blocks "2" and "3", and easterly lot line of Block "3", except for the area used for access driveways.
- (d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1330, and that the subject lands on Zoning District Map W-27D be notated S-1330; and,

- (e) That the City Solicitor be directed to prepare a By-law to amend By-law No. 6593 and Zoning District Map W-27D for presentation to City Council; and,
 - (f) That the proposed changes in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No.124 by the Regional Municipality of Hamilton-Wentworth; and,
 - (g) That the Falkirk East Neighbourhood Plan be amended to: redesignate Block "2" from "Single and Double Residential" to "Commercial"; modify the road pattern as per the submitted plan (Appendix "F"), realign the 20 ft. planting strip to abut the proposed residential development, and provide a walkway and sewer easement between Lynnette Court and Garth Street.
- C. (a) That approval be given to application 25T-93013, J. Amatangelo (In trust), owner, to establish a draft plan of subdivision, on lands at the north west corner of Garth Street at Rymal Road West in the Falkirk East Neighbourhood, subject to the following conditions:
- (i) That this approval apply to the plan, as revised in red, prepared by Bryan Jacobs, O.L.S., dated October 12, 1993, showing 19 lots for single family dwellings and a block for commercial purposes; and,
 - (ii) That the owner be required to enter into subdivision agreements with both the City of Hamilton and the Region of Hamilton-Wentworth prior to the development of any portion of these lands; and,
 - (iii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth; and,
 - (iv) That the final plan conform with the Zoning By-law approved under the Planning Act; and,
 - (v) That the owner provide the City of Hamilton Traffic Department with a copy of the final plan for review to ensure that no overlapping of driveways between the property lines and the travelled portion of the roadway are being created; and,
 - (vi) That the owner convey an easement to meet the requirements of the Region, in the vicinity of Lots 18 and 19 in order to

provide a sewer connection between Lynnette Court and Garth Street; and,

- (vii) That the owner's Consulting Engineer provide proof to the satisfaction of the Region that the existing storm and sanitary sewers on Garth Street are of adequate depth and capacity to drain Lots 8 to 19 (inclusive) and the future lots along the north side of Lynnette Court; and,
 - (viii) That Block 20 (Commercial Lands) be serviced from the existing sewers on Rymal Road West only; and,
 - (ix) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan; and,
 - (x) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes; and,
 - (xi) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton; and,
 - (xii) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton.
- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-93013), J. Amatangelo (In Trust), owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,
- (c) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.

5. BUILDING COMMISSIONER

- (a) Amendment to By-law 93-167 - Authorizing Building Permits and Fees for Tents.

As recommended by the Building Commissioner in a report dated 1994 June 11, the Committee recommended to Council as follows:

That By-law #93-167 to Authorize Building Permits and Fees be amended by deleting item (5) from Schedule 'A' and substituting the following:

- (5) Permit for the installation of a tent
- i) where the area of a single tent is 56m² (603 square feet) or less, and not more than two tents on a site \$25.
 - ii) where the area of a single tent exceeds 56m² (603 square feet), and not more than two tents on a site \$40.
 - iii) where more than two tents are on a site Basic fee of \$40. plus an amount calculated at the rate of \$9. per each \$1,000. or part thereof of the cost or valuation of construction in excess of the first \$10,000.
 - iv) where tents are erect on city owned property for a civic function \$0

(b) Retaining Walls.

As recommended by the Building Commissioner in a report dated 1994 June 11, the Committee recommended to Council as follows:

- (a) That the City's Law Department be directed to amend By-law 78-113 to include a provision for owner/occupants of residential property to receive assistance in the form of a low interest loan for the replacement of deteriorating retaining walls as per Appendix "G" attached; and,
- (b) That the funds repaid under the Programme be placed in a recyclable account for the continuation of the Programme; and,
- (c) That the Building Commissioner be directed to include in the Building Department's Capital Budget \$500,000. per year for 1995, 1996 and 1997 for consideration in the 1995 - 2004 Capital Budget Process to address the ongoing problems of retaining walls throughout the City.

4. DELEGATIONS

ALDERMAN D. AGOSTINO

Re: Walkway Closure at 300-304 St. Andrews Drive.

Alderman Agostino was present and explained that he wants to deal with the problems of vandalism, and wants the City to take the initiative on this. He referred to

correspondence from the Police Department with similar concerns regarding the walkway.

Art Zuidema explained that it must be forwarded to the Transport & Environment Committee for approval.

Following a brief discussion, the Committee resolved to recommend to the Transport & Environment Committee as follows:

"That the Transport & Environment Committee be requested to consider a walkway closure at 300-304 St. Andrews Drive, to proceed as a City Initiative to resolve problems of vandalism."

7. CONSENT AGENDA

A. MINUTES OF THE PLANNING AND DEVELOPMENT COMMITTEE

Minutes of the meeting of the Planning and Development Committee held Wednesday, 1994 May 25th were approved as circulated.

THE COMMITTEE RECOMMENDED TO COUNCIL VARIOUS RECOMMENDATIONS AS FOLLOWS:

B. SENIOR DIRECTOR, ROAD DEPARTMENT

a) Acadia Estates, Arrowhead Heights of Rymal - Phase 1: Cash in Lieu of 5% Parkland Dedication dated 1994 June 14:

That the City of Hamilton accept the sum of \$12,530. as a cash payment in lieu of the 5% land dedication in connection with "Acadia Estates", west of Upper Sherman Avenue in the Butler Neighbourhood, Hamilton, as well as the sum of \$7,750. as a cash payment in lieu of the 5% land dedication in connection with "Arrowhead Heights of Rymal - Phase 1", south of Rymal Road in the Chapple East Neighbourhood, Hamilton, this being the cash payment required under Section 51 of the Planning Act.

b) Claudette Gardens - Phase 6: Cash in Lieu of 5% Parkland Dedication dated 1994 June 9:

That the City of Hamilton accept the sum of \$3,400. as cash payment in lieu of the 5% land dedication in connection with "Claudette Gardens - Phase 6", west of Garth Street and north of Rymal Road West in the Falkirk East Planning Neighbourhood, Hamilton, this being the cash payment required under Section 51 of the Planning Act.

C. BUILDING COMMISSIONER

a) Various Demolitions dated 1994 June 13:

That the Building Commissioner be authorized to issue a demolition permit for:

- (a) 131 Forest Avenue
- (b) 137 Forest Avenue

- (c) 404 Beach Boulevard
- (d) 47 Limeridge Road East
- (e) 161 Niagara Street
- (f) 169 Niagara Street
- (g) 171 Niagara Street

b) Commercial Loan Program

i) Business Improvement Areas dated 1994 June 6:

That in situations where the owner of a property also operates a business from the same address that the maximum commercial loan of \$25,000. be permitted regardless of the breakdown between exterior and interior work.

ii) Security for B.I.A. dated 1994 June 9:

That in the event the owner of a business within a B.I.A. does not own the building, a loan of less than \$5,000. will be secured by a Promissory Note, and for loans greater than \$5,000., a collateral mortgage will be obtained on other real property owned by the tenant.

iii) 987 King Street West dated 1994 June 8:

That a Commercial Loan in the amount of ten thousand dollars (\$10,000.) be approved for Luba Mera, a Division of 603667 Ontario Inc. for improvements at 987 King Street West. The interest rate will be 3-3/8 per cent amortized over ten years and will be secured by a collateral mortgage on the property at 127 Rembrandt Court, Ancaster.

iv) 210 Ottawa Street North dated 1994 June 6:

That a loan increase of \$10,123. be approved for Mr. D. Kwiatkowski, 210 Ottawa Street North, under the Commercial Loan Programme. The total loan is now \$21,864.

c) Hamilton Emergency Loan Program

i) 244 Lawnhurst Court dated 1994 June 6:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, one hundred and ninety-eight dollars (\$1,198.) be approved for Ilona Kelemen, 244 Lawnhurst Court, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

ii) 169 Brentwood Drive dated 1994 May 18:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, three hundred and eighty dollars (\$1,380.) be approved for Mr. and Mrs. Lamb, 169 Brentwood Drive, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

D. COMMISSIONER OF PLANNING AND DEVELOPMENT**a) Five Year Review of the City of Hamilton Official Plan - Authorization for a Public Meeting**

The Committee approved the recommendation dated 1994 June 14:

"That in accordance with Section 26(1) of the Planning Act, the Planning and Development Department staff be directed to arrange for a Public Meeting, to obtain public input on the need for a review of the City of Hamilton Official Plan.

b) Public Participation Guidelines for Train Storage Yards - As prepared by the Advisory Committee on GO Transit dated 1994 June 9:

- (a) That GO Transit, and the Minister of Environment and Energy, be provided with the attached Proposed Public Participation Guidelines for Train Storage Yards, prepared by the Advisory Committee on GO Transit, as contained in Appendix "H"; and,
- (b) That the City Clerk be directed to forward a copy of this report to GO Transit, and the Minister of Environment and Energy.

c) Site Plan Control Application DA-94-11 by Peter Esposto, owner of lands known as 9 Brantdale Avenue to amend the approved plans of Site Plan Control Application DA-93-22 to modify the layout and access driveway for a public parking lot; Southam Neighbourhood dated 1994 June 13:

That approval be given to Site Plan Control Application DA-94-11 by Peter Esposto, owner of lands known as 9 Brantdale Avenue to amend the approved plans of Site Plan Control Application DA93-22 to modify the layout and access driveway for a public parking lot subject to the following:

- (a) Modification to plans in relation to notes, dimensions, paving, grades, fencing and landscaping as marked in red on the plan;
- (b) Provision of a note on the plans that the parking area is to be paved to the satisfaction of the Building Department; and,
- (c) Provision of appropriate agreement and securities for site development in accordance with City Council policy adopted at its meeting of 1993 May 11;

and further:

That in regard to Zoning Application ZA-92-35, the following resolution be forwarded to City Council for approval;

That Item 14(b)(i) of the Eighteenth Report of the Planning and Development Department to City Council on 1992 October 27, respecting Zoning Application ZA-92-35 by Peter Esposto, for lands at 9 Brantdale Avenue, be amended as follows:

- (a) Amend Item 14(b)(i) by deleting it in its entirety and replacing it with the following:

- "(i) That notwithstanding Section 13C(4)(i) of Zoning By-law No. 6593, a landscape planting strip having a minimum width of 3.0 m shall be provided and maintained along the street line (northerly property line), except for any area used for vehicular access."

d) **City Initiative 94-B - Review of Vehicles permitted in Residential Zoning Districts, Authorization for a Public Meeting**

The Committee approved that staff be directed to hold a Public Meeting regarding the review of vehicles permitted in residential zoning districts.

Following discussion, the Committee members also resolved that the public meeting be held at the second Planning and Development Committee meeting of November 1994, being November 23.

*Note: Alderman Charters and Alderman Eisenberger recorded as opposed.

e) **Zoning Application 94-07 - 819 Upper Paradise Road - Revised Resolution dated 1994 June 10.**

That Section 4 of the Ninth Report of the Planning and Development Committee, adopted by Council on 1994 May 31, respecting Zoning Application 94-07, Homes by DeSantis Inc. (In Trust), prospective owner of lands located at 819 Upper Paradise Road, as shown on the attached map marked as Appendix "I", be revised as follows:

- (a) That Section 4.(b), 4.(c) and 4.(d) be renumbered 4.(d), 4.(e) and 4.(f), respectively; and,
- (b) That the following new clause be added as Section 4.(b):
- "(b) That the "RT-20" (Townhouse - Maisonette) District regulations as contained in Section 10E of Zoning By-law No. 6593 be modified to include the following variances as special requirements:
- (i) That not more than sixteen (16) single-family dwelling units shall be permitted; and,
- (ii) That notwithstanding Section 10E.(3) no building or structure shall exceed two storeys in height."
- (c) That the following new clause be added as Section 4.(c):
- "(c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1329, and that the subject lands on Zoning District Map W-27C be notated S-1329."

E. **SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE - Information Items dated 1994 June 15:**

The Committee received for information purposes the following Items which were previously forwarded to the members of the Committee under separate cover:

- (a) Memorandum from the Regional Administrative Services Committee dated 1994 May 10, re: New Provincial Court Facility at Main and John Streets.
- (b) Ministry of Education and Training letter dated 1994 May 30, re: locating some of its facilities in the Downtown Core of the City of Hamilton.
- (c) Hamilton-Wentworth Regional Police letter dated 1994 June 2, re: Mayor's Task Force on Downtown Issues and Renewal.
- (d) Information Report from the Director of Public Works dated 1994 May 19, re: Hanging Baskets - Enhanced Streetscaping.
- (e) Information Report from the Chairman, CAPIC, dated 1994 June 10, re: CAPIC's Downtown Focus.
- (f) Joint Information Report from the Commissioner of Planning and Development and the Director of Local Planning, dated 1994 June 13, re: Approved Site Plan Control Applications.
- (g) Joint Information Report from the Commissioner of Planning and Development and the Director of Local Planning, dated 1994 June 8, re: Rental Housing Protection Act - Public Notification Process.
- (h) Joint Information Report from the Commissioner of Planning and Development and the Director of Local Planning, dated 1994 June 2, re: Mayor's Task Force on Downtown Issues and Renewal.
- (i) Information Report from the City Solicitor, dated 1994 June 9, re: Taco Bell Development - 460 Main Street West at Dundurn Street.
- (j) Letter from Domenic A. Meffe, of Domus Architects, dated 1994 May 24, re: Taco Bell.
- (k) Memorandum from the Secretary of the Mayor's Race Relations Committee, re: Report on the Mayor's Task Force on Downtown Issues and Renewal - Item 7 "That special ethnic projects be encouraged, e.g. Chinatowns on James Street North and King Street East".
- (l) Memorandum from the Regional Administrative Services Committee, dated 1994 June 9, re: Administrative Services Committee Report 6-94, Information Item i) viii).

6. REFERRAL BACK FROM COUNCIL

Lot Grading Control with respect to Land Severance Applications creating One, Two & Three Lots.

A discussion ensued with regard to the refundable security of \$2,000. and the registration of title for the Grading on site. Mr. Chajka explained that the registration on title will ensure that grading is enforceable on subsequent owners.

Alderman Eisenberger believed that the grading should remain on title to prevent future problems even after the work is completed.

Len King explained that if lot grading stays in effect, surrounding properties may alter their grades because they may not believe that they are subject to controls. He also

stated that the home builders are not concerned with the report as is, but would be concerned if grading controls are left on title in perpetuity, not only for One, Two and Three Lots, but also for all Sub-divisions.

Alderman Merling was concerned because if the grading is not retained on title, there will be nothing that prevents the subsequent owner from changing the swails.

Mr. King replied that if the lot grading is left in perpetuity, the developer may leave the home owner to be responsible.

Alderman Merling suggested that the agreement be amended so that the lot grading stay on title in perpetuity and that this should apply to Sub-division Agreements as well.

Following discussion, the Committee resolved to **table** the matter, in order that the report for One, Two and, Three Lots be amended to have the registration remain on title, and in order that a new report be brought back regarding Sub-division Agreements which will state that the registration for lot grading control also remain on title for them.

8.(a) OTHER BUSINESS

A letter was distributed to the Committee from Geoffrey Jones, 66 New Street, Hamilton, with regard to the Taco Bell matter at the Planning and Development Committee of 1994 May 25. The Committee moved to **receive** the correspondence dated 1994 June 23, which was received 1994 June 17.

- (b) Alderman Kiss requested that the Building Department prepare a report on monster houses, being 2-1/2 to 3 storey buildings and their incompatibility to the surrounding neighbourhood. She cited Ward and Holmes Avenues as an example.

9. PRIVATE & CONFIDENTIAL AGENDA

The Committee resolved to moved In-Camera to discuss Personnel matters and reconveyed immediately thereafter with the following report, that the recommendation of the Building Commissioner dated 1994 June 7, be recommended to Council as follows:

- (a) That the position of Manager of Field Services be declared redundant effective 1996 March 1; and,
- (b) That an additional position of Supervisor of Field Services be created effective 1996 March 1; and,
- (c) That the three Administrative Assistant positions created on 1994 February 11 be deleted; and,
- (d) That the following positions that were declared redundant on 1994 February 11 be reinstated:

Field Services Clerk I	1 FTE
Building Administration Clerk	1 FTE
Customer Services Admin Clerk	1 FTE
- (e) That the attached Reorganizational Charts shown as Appendices "J", "K", and "L" be approved; and,

- (f) That the existing positions of Administrative Assistant III in Administration and Chief Building Engineer be referred to Human Resources for classification; and,
- (g) That the reinstated positions of Building Administration Clerk, Customer Services Admin Clerk, and Field Services Clerk I be evaluated under the maintenance appeal procedure; and,
- (h) That the newly established position of Manager of Administrative Services which was the combination of two jobs be referred to the Commissioner of Human Resources for classification.

10. ADJOURNMENT

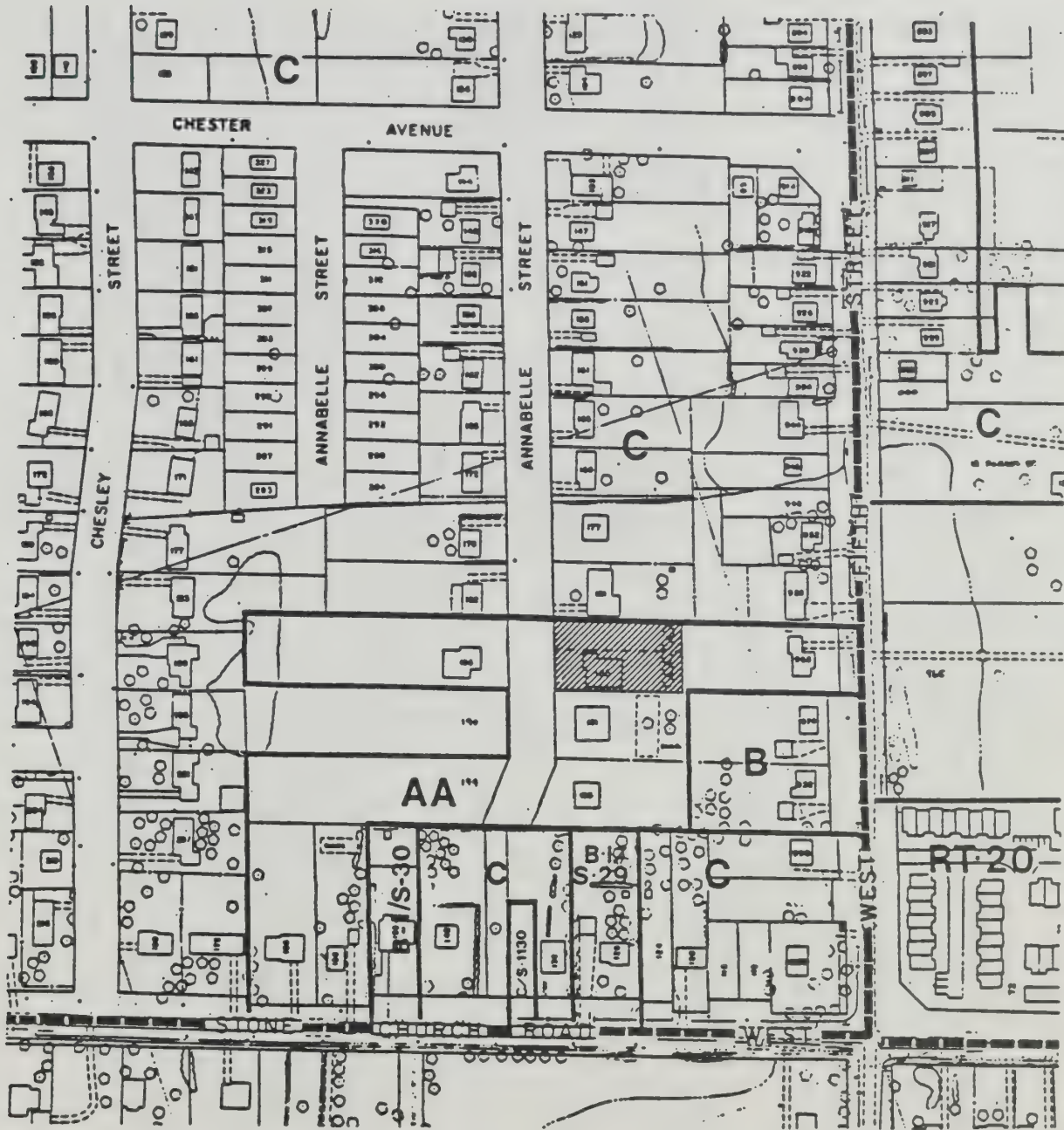
There being no further business, the Committee meeting adjourned.

Taken as read and approved.

Alderman Don Drury, Chairperson
Planning and Development Committee

Tina Agnello
Secretary

/dm.jt

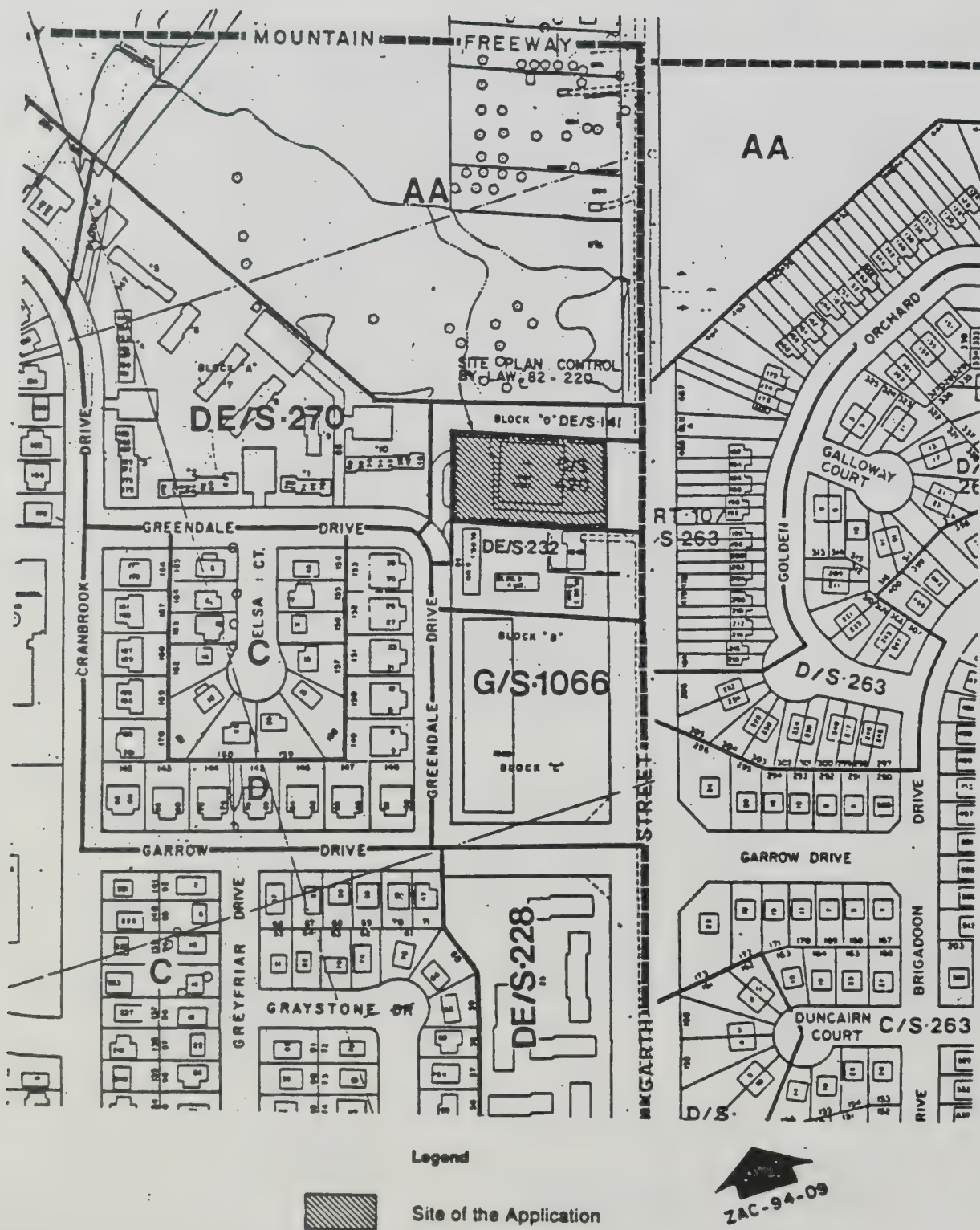


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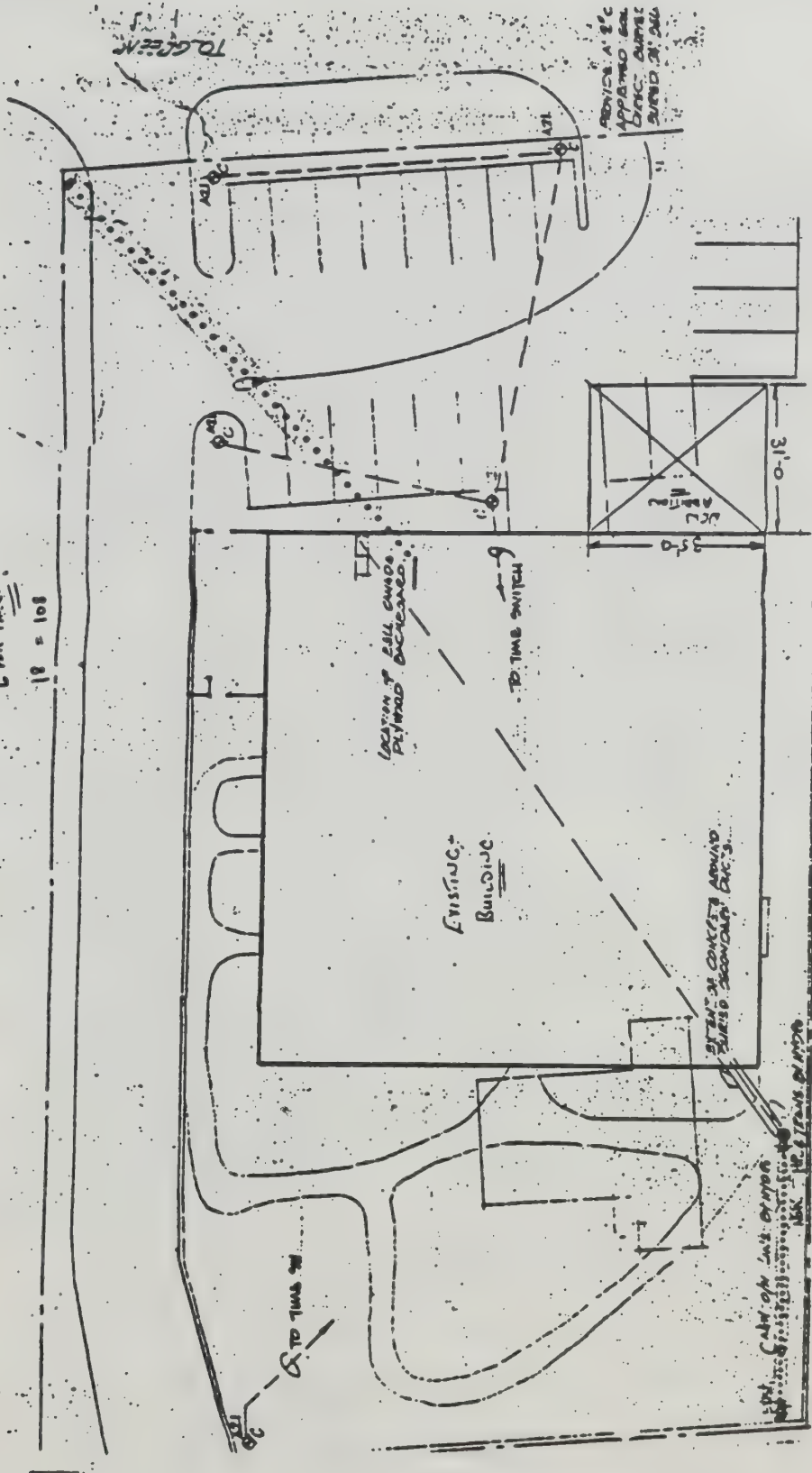
Site of the Application





6 Plot Designated Space.

18 = 108

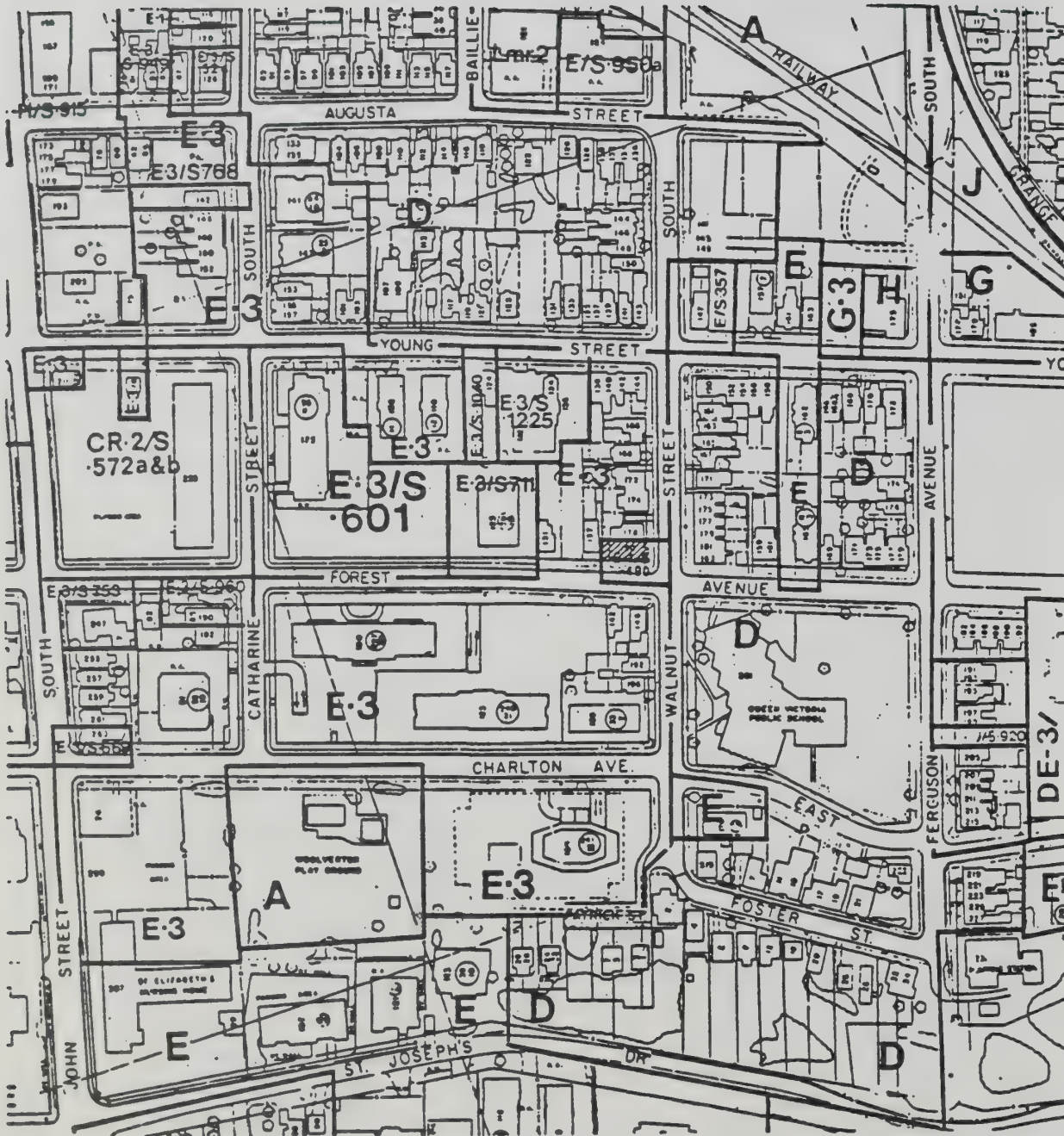


SITE PLAN
 1/20/94

SNEL SCHEDULE

PINTURE SCHEDULE

1/20/94

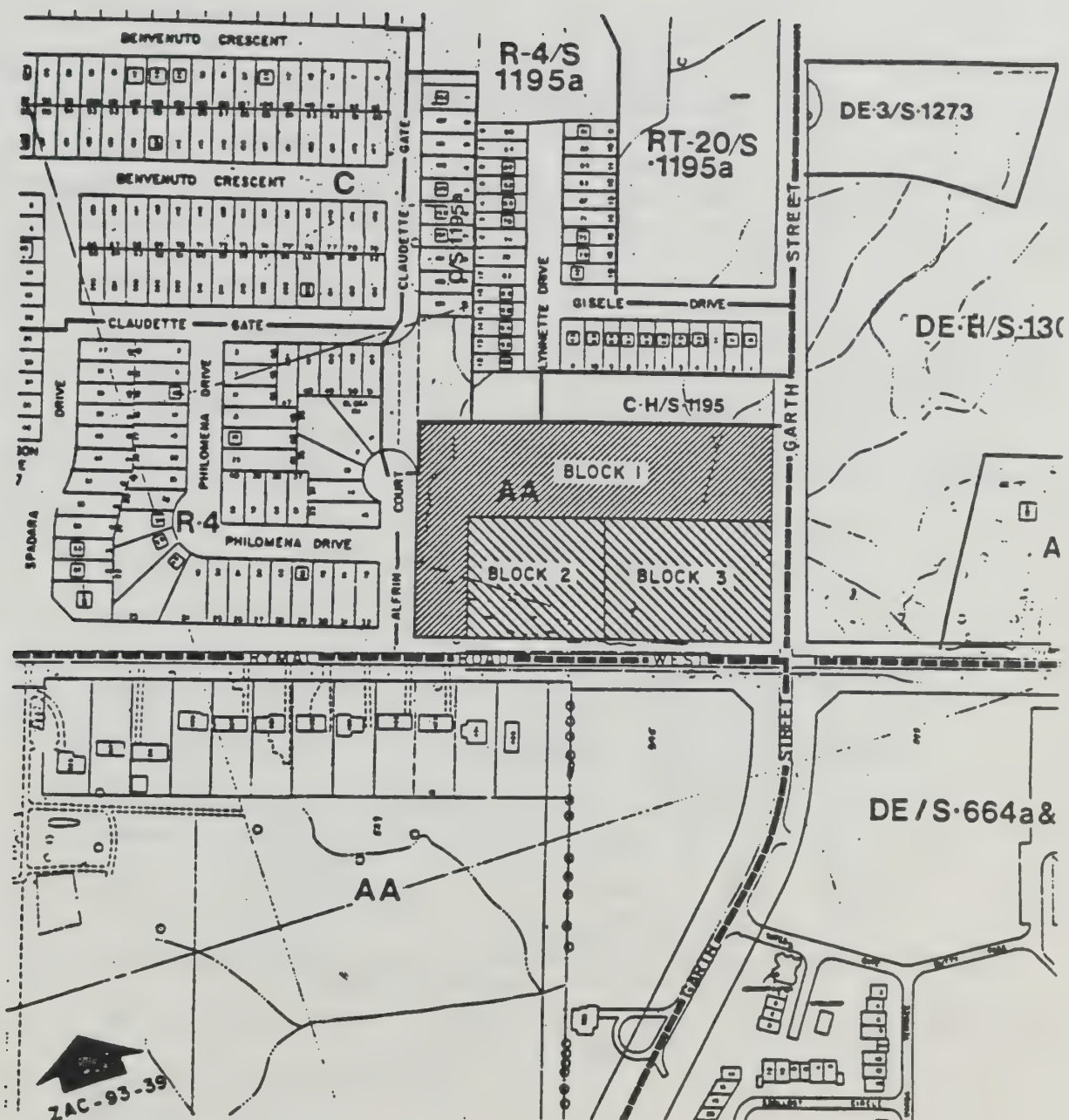


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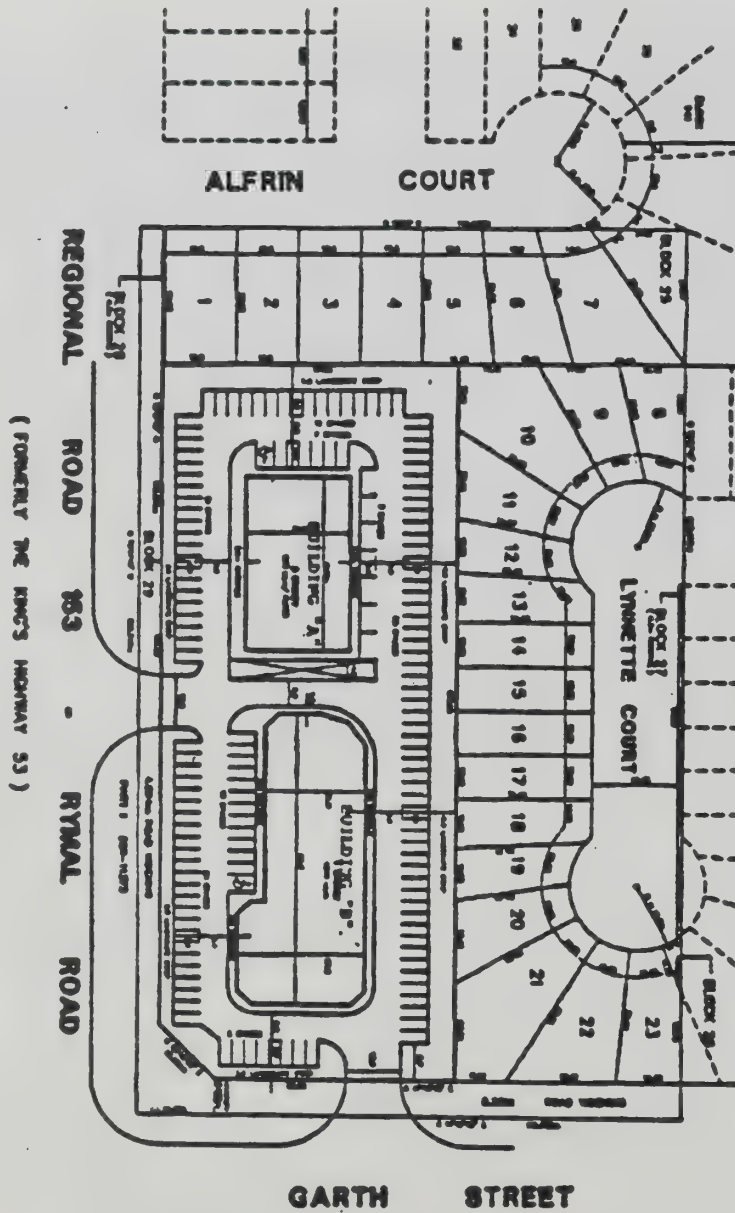
Site of the Application





Legend

- Proposed change in zoning from "AA" (Agricultural) District to:
- | | | |
|----------------|---|--|
| BLOCK 1 |  | "C" (Urban Protected Residential, etc.) District. |
| BLOCKS 2 and 3 |  | "G-4" (Designed Neighbourhood Shopping Area) District, modified. |



SITE PLAN

Scale: 1:1000
 Date: 1994/06/22
 Drawn: [Name]
 Checked: [Name]
 Approved: [Name]



DEVELOPMENT DETAILS	
Site Name	863/22
Site Area	1.25 Ha
Proposed Use	Residential
Proposed Density	20 units/ha
Proposed Total Units	25
Proposed Total Area	0.31 Ha

Planning
Initiatives Ltd

100, [Address]
 [City], [Postcode]

01234 567890
 01234 567890

PROPOSED AMENDMENT TO BY-LAW 78-113

To allow for the processing of loans for the replacement of existing retaining walls. (Will form separate section of By-law 78-113)

- property owner-occupied;
- family incomes \$60,000. or less, loan of up to \$20,000. at 3% interest amortized over 15 years, and re-negotiated after five years at a rate of interest not greater than the City's prime lending rate. No penalty clause for early repayment;
- family incomes over \$60,000., City's prime lending rate at the time of finalization of application;
- inspection by City to determine need and eligibility;
- loans secured by lien registered on title;
- transferrable to new owner if sold and terms acceptable to purchaser;
- administration fee of 1.5% or minimum of \$200 (eligible for financing);
- engineered drawings and stamp must be provided, as well as site inspection by independent engineer are also eligible for funding;
- survey costs are eligible for funding;
- work inspected before payment is released to owner; cheques issued in two names;
- Planning & Development Committee and City Council must approve each application;
- retroactive funding not eligible;

ADVISORY COMMITTEE ON GO TRANSIT

PROPOSED PUBLIC PARTICIPATION GUIDELINES - FOR TRAIN STORAGE YARDS

Overall Study Goals and Objectives

A Train Storage Yard Should be Selected Which:

- Meets the operational needs of GO Transit and any other affected railways;
- Is optimal in terms of all environmental factors, including social, economic, physical environment, health, etc.;
- Produces minimal impacts on adjacent residents, in terms of their day-to-day quality of life, especially for residents who live in the immediate vicinity; and,
- Is chosen with full awareness, participation and input by all affected residents and citizens, throughout the entire selection process.

Public Participation Components

- All aspects of the identification, analysis and selection of site(s) for the train storage yard should be carried out with full awareness by, and input from, the following parties:
 - City Council;
 - affected municipal departments within the City;
 - residents and property owners within 300 metres of the perimeter of the proposed yard;
 - affected advisory committees and public interest groups; and,
 - the general public.
- The Planning and Development Department should, together with GO Transit, undertake a public participation process. The Department could assist in the notification of municipal departments, residents and others, if so requested by GO Transit.

General Principles

- attainment of full and meaningful public participation should be a goal;
- provision of information to residents as early in the process as possible, as well as throughout the study and at the end, regarding all proposals and options under consideration, including why actions are proposed and taken, and why decisions made;
- evaluation of yards should not be done on the basis of noise impacts alone, but rather should take into account the full range of possible impacts previously identified by the Advisory Committee on GO Transit and the City of Hamilton, which include safety, effects on property values, air pollution, vibration, loss of Escarpment views, shadows (loss of sunlight), incompatibility with neighbourhood character, and other issues as detailed in reports to the Planning and Development Committee and City Council.

Establishment of Goals and Objectives

- development of a set of criteria by which sites are to be evaluated, which will address the full range of possible environmental impacts;

- notification of all affected parties at all steps of relevant studies, namely site identification, evaluation and site selection, via direct first class mail for those most affected, (namely those residents and property owners within 300 metres of the proposed yard), by means of a full explanatory letter and appropriate map(s); and,
- public discussion and receipt of public comments by means of the holding of public meetings at these key study stages, to be held in the affected neighbourhoods, during the evening. Public meetings are preferable to public information centres, due to the greater sharing of information among all parties.

Identification of Alternative Sites

- inclusion of all possible alternate sites which can be identified; and,
- early notification by GO Transit to residents, general public and municipal staff regarding the location and all ramifications of all alternative sites, including specific identification of issues and possible concerns, such as location, height and number of trains, noise levels, etc. (as much as is available).

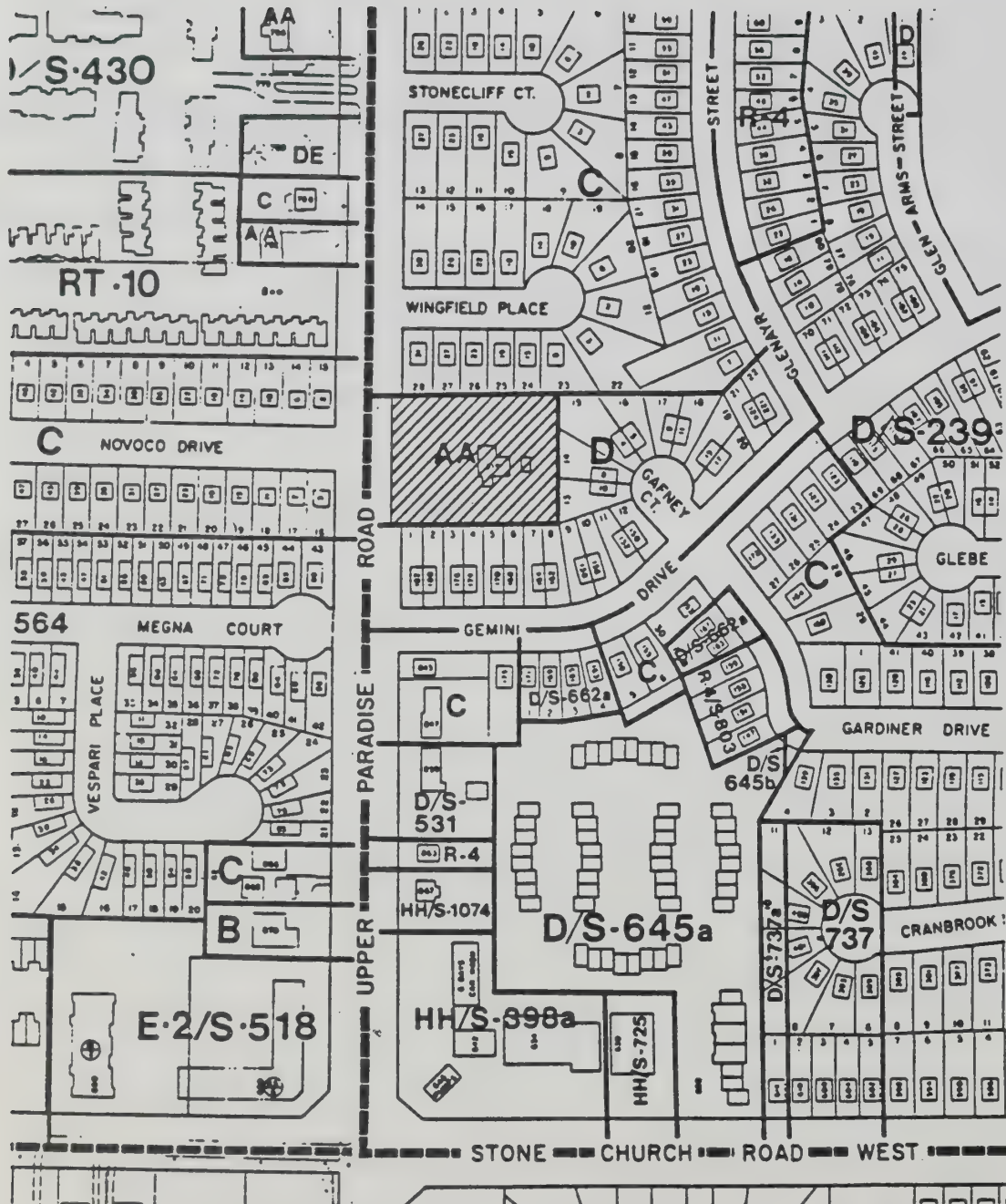
Evaluation of Alternative Sites

- utilization of the most recent Environmental Assessment procedures to ensure a thorough evaluation of alternate sites;
- inclusion of sites with compatible land use types adjacent to the yard;
- addressing in writing comments made by residents throughout the consultative decision-making process;
- preparation and use of a weighting system for criteria to ensure that most critical factors are given the greatest consideration;
- availability to residents of resources and expertise of municipal staff during evaluation process, such as noise experts; and,
- noise analysis of potential sites would be undertaken by GO Transit and/or the M.O.E., in accordance with the provisions of appropriate governments, and subject to review by the City of Hamilton Noise Control Officer, or equivalent municipal staff, with input from citizens.

Development of Recommendations re Site

- inclusion of comment sheets from residents in final report and recommendations, addressing those concerns noted.

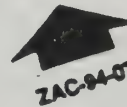
Revised as of April 22, 1994



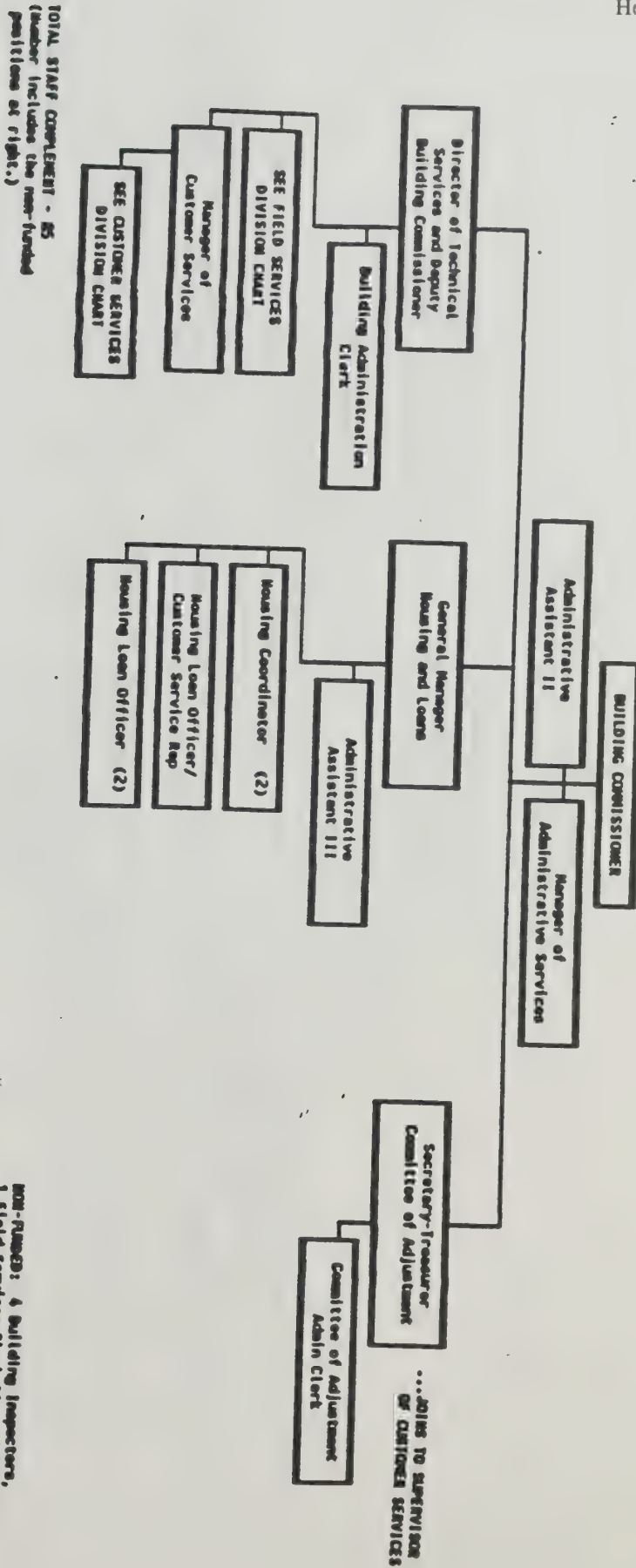
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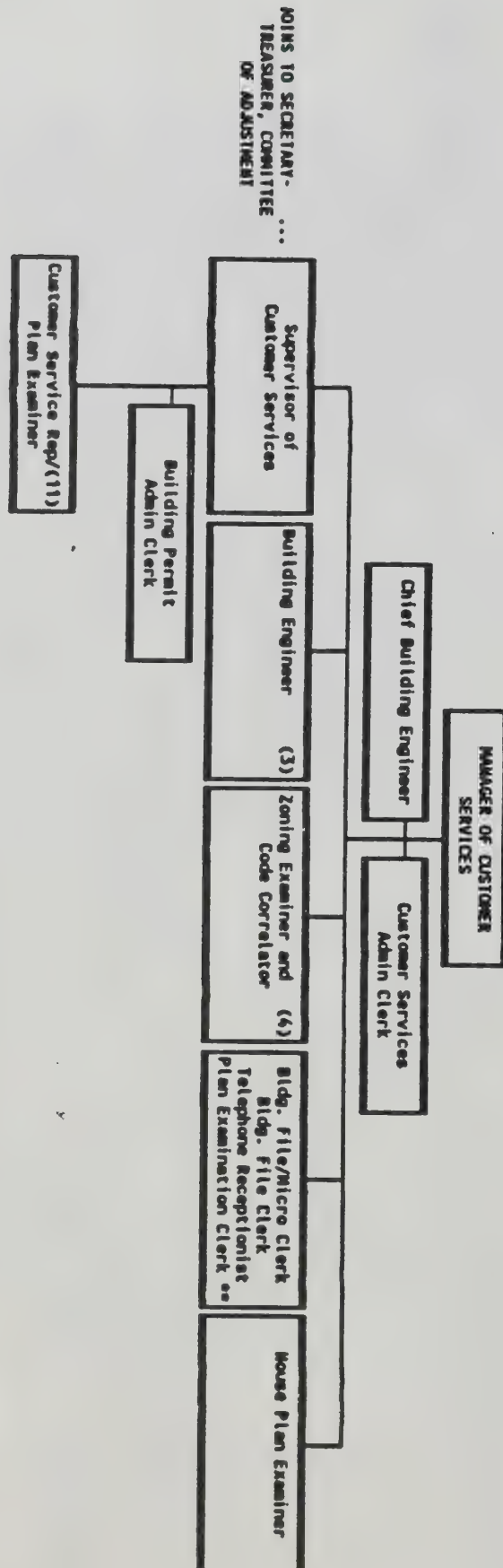
Site of the Application



**BUILDING DEPARTMENT
 ADMINISTRATION
 Schedule A - ReStructuring**



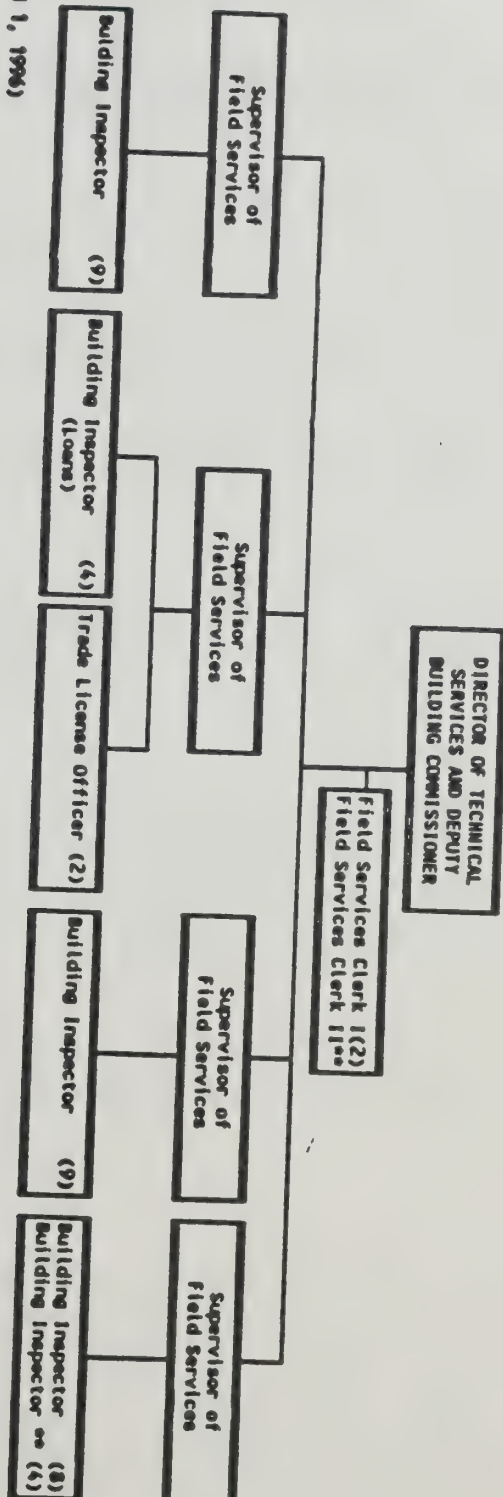
BUILDING DEPARTMENT
CUSTOMER SERVICES DIVISION
 Schedule B - Restructuring



JOINS TO SECRETARY- ...
 TREASURER, COMMITTEE
 OF ADJUSTMENT

NOT FUNDED

BUILDING DEPARTMENT
FIELD SERVICES DIVISION
 Schedule C - Restructuring *



** NON-FUNDED

B.

CITY OF HAMILTON

- RECOMMENDATION -

JUL 13 1994

DATE: 12 July 1994

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Susan Reeder, Acting Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: Former St. Mark's Anglican Church site, 130 Bay Street
South - Designation

RECOMMENDATION:

- (a) That City Council give approval to the "Intent to Designate" the former St. Mark's Anglican Church site at 130 Bay Street South as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1989, as outlined in the Reasons for Designation attached hereto and marked Appendix "A"; and,
- (b) That the City Solicitor be authorized as directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1989.

Susan K. Reeder

BACKGROUND:

At the last meeting of LACAC, held 1994 July 11, a request was made by the St. Mark's Action Committee, with the support of the Durand Neighbourhood Association, for LACAC to recommend designation under the Ontario Heritage Act of the St. Mark's property (church/ Sunday school complex and landscaped open space). Representing these two groups were Peter Hill, chairperson of the St. Mark's Action Committee and Anton Gudinskas, a member of the Durand Neighbourhood Association. LACAC approved this recommendation unanimously.

Page Two

This urgent request was made in response to an application for demolition submitted on 1994 July 8 by the property owner, the Diocese of Niagara. The real estate agent advises that a demolition permit is a condition of sale to a Toronto developer.

LACAC first approved recommending the designation of St. Mark's Anglican Church in 1988 and draft Reasons for Designation were prepared. The matter was subsequently tabled due to the complexities of the issues surrounding the imminent closure of the church and the Diocese's plans for the property. Since 1987, LACAC has dealt with the issue of St. Mark's Church on at least 20 occasions.

The St. Mark's Action Committee, formed following the closure of the church in 1989, was re-activated in 1994 June after the property was put up for sale by the Anglican Diocese, and has since held four meetings to develop a strategy for preserving the church building and its landscaped open space.

Under the current zoning, the property could be redeveloped for high-rise residential use up to 48 units, as specified in O.M.B. By-law 90-340. An office use for church institutional purposes only is also allowed.

cc Alderman W. McCulloch
Alderman F. D'Amico
Alderman V. Agro
Victor Abraham, Director of Local Planning
Nina Chapple, Planning Department
P. Noe Johnson, City Solicitor

REASONS FOR DESIGNATION
THE FORMER ST. MARK'S ANGLICAN CHURCH
130 Bay Street South, Hamilton

In 1877, construction of St. Mark's Anglican Church began at the southwest corner of Bay Street South and Hunter Street West. By January 1878, the church had its first service. Subsequently, a corner bell tower was erected on its Bay Street facade and, in 1925, the Sunday School was added to the west end of the sanctuary. The grounds in front of St. Mark's traditionally have been landscaped, creating a park-like setting for the church.

Context

In today's setting of high-rise apartment towers to the north, west and south, the St. Mark's property provides a welcome contrast with its open space and low-rise building. Situated across from the public grounds of Central School and City Hall, the church's front garden serves as an attractive amenity for the surrounding neighbourhood.

Architectural Significance

The Church and Sunday School together create a single story, L-shaped structure with an attached three-story tower. It is the fifth Anglican Church to be erected in Hamilton and the first to be constructed in brick. As originally built in 1878, St Mark's was a typical parish church building, designed in the vernacular Gothic Revival tradition. Characteristic of this late 19th-century version is the rectangular, one-story structure with gable roof, buttresses, belfry, and pointed arched windows. St. Mark's Church is distinguished in the use of brick corbelling and sets of triple arched windows which formerly contained stained glass. A bell tower, built later, adds a strong architectural feature to the east facade, while the gothic Sunday School and entrance porch of 1925 blend harmoniously with the original design of the church.

Historical Significance

The parish of St. Mark's was founded in 1877 by H. G. Sutherland as the first "free pew" Anglican Church in the city. St. Mark's is said to be the first Anglican Church in Hamilton to introduce "advanced ritual" or high church service, daily service, Gregorian music, as well as many other innovations. After over a hundred years of serving the Anglican community, the church was closed and disestablished in 1989.

Designated Features

Of particular importance to the preservation of the former St. Mark's Church are the original features of the east, north, and south facades; the original window openings and doors; the Sunday School addition; the bell tower and the entrance porch. Also important to the site is the retention of the open green space which provides the church with an unique setting among the city's downtown churches.

Ca)

CITY OF HAMILTON

- RECOMMENDATION -

JUL 12 1994

DATE: 1994 July 11
ZA-91-56
Ryckmans Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

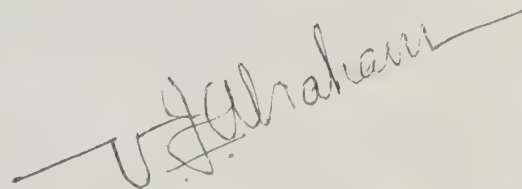
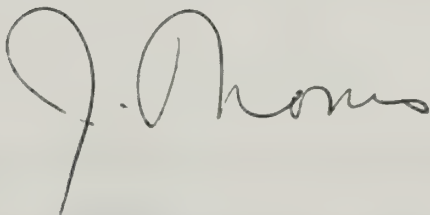
FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V. J. Abraham
Director of Local Planning

SUBJECT: Zoning Application 91-56 - Lands located on the east side
of Upper James Street, south of Regina Drive (Nos. 1489,
1491, 1493, 1495 and 1505 Upper James Street)

RECOMMENDATION:

1. That Section 39 of the First Report of the Planning and Development Committee for 1991, respecting Zoning Application ZA-91-56, 943937 Ontario Inc. (J. Lecluse), prospective owner, for a further modification to the "G" (Neighbourhood Shopping Centre, etc.) District regulations to permit two car dealerships, including accessory auto body and paint shops, for lands located on the east side of Upper James Street, south of Regina Drive (Nos. 1489, 1491, 1493, 1495 and 1505 Upper James Street), be repealed in its entirety.
2. That the City Clerk be directed to advise the Secretary-Treasurer of the Committee of Adjustment respecting the above.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Zoning Application 91-56, for a further modification to the "G" (Neighbourhood Shopping Centre, etc.) District regulations to permit two car dealerships, including accessory auto body and paint shops, for lands located on the east side of Upper James Street, south of Regina Drive (Nos. 1489, 1491, 1493, 1495 and 1505 Upper James Street), was approved by Council on January 14, 1992 (see attached APPENDIX "A"). However, the amending by-law was withheld, conditional upon site plan approval. Accordingly, the application has been held in abeyance, pending completion of conditions. The applicant was reminded from time to time, in writing, of the outstanding conditions. As a result of a reminder letter sent on March 22, 1994, the applicant indicated that they would no longer be proceeding with the application, since it was their intention to develop adjoining lands to the south (1545 Upper James Street, also owned by the applicant) for the automobile dealership, rather than the subject lands (see attached APPENDIX "B").

The applicant subsequently made application to the Committee of Adjustment (A-94:72), to provide for by-law variances, to permit the automobile dealership on the adjacent lands to the south. This application was approved by the Committee of Adjustment on May 11, 1994. However, the relief granted is subject to three conditions, which were recommended by the Planning and Development Department:

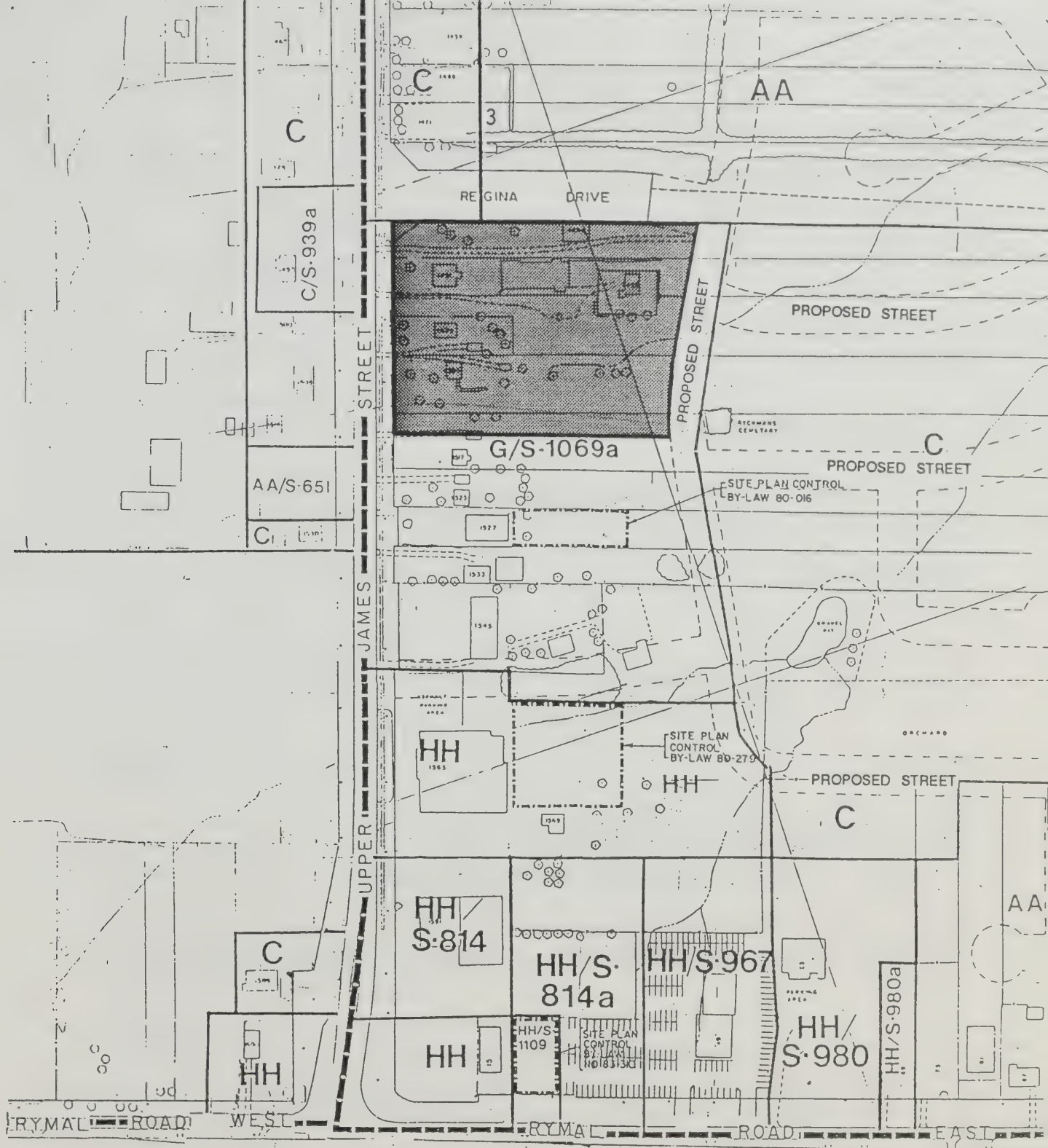
1. That the applicant receive Site plan approval incorporating the "Urban Design Guidelines for the Upper James Street Corridor" and the landscaping requirements of the approved Ryckmans Neighbourhood Plan.
2. That the sign requirements for a business identification sign in ZA-91-56 are to be adhered to as a condition approval for these variances.
3. That the relief granted is not to be in force until such time as Council rescinds its approval of ZA-91-56.

The intent of condition 3. is to ensure that the file on application ZA-91-56 does not remain open as an outstanding application.

CONCLUSION

Based on the foregoing, Council's approval of Zoning Application 91-56, should be rescinded.

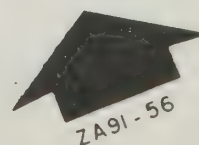
CL-M



Legend



Site of the Application



APPENDIX A

CLYDE D. HALFORD, LL.B.

BARRISTER & SOLICITOR

801 MOHAWK RD. WEST,

HAMILTON, ONTARIO, L9C 6C2

TELEPHONE: (905) 388-0973

FAX: (905) 388-2797

*off -> PM 8-5
for action km*

April 14, 1994

Delivered to FAX # 546-4202

Regional Municipality of Hamilton-Wentworth,
Planning Department,
71 Main St. West,
Hamilton, Ontario.
L8N 3T4.

ATTENTION: Mr. V. J. Abraham
Director of Local Planning

Dear Sir:

RE: Zoning Application 91-56 - Nos. 1489, 1491,
1493, 1495 and 1505 Upper James St., Hamilton

Further to your letter of March 22nd, this letter is to advise that my client will not be proceeding with the zoning application as submitted on September 3rd, 1991.

You may be aware that my client owns property immediately adjoining and to the south of the property which is the subject matter of the above-captioned application. My client's plans have changed with regard to the establishment of an automobile dealership and in fact he now intends to establish that dealership on the lands as lastly described.

Please advise if any further steps might be necessary.

Yours very truly,


CLYDE D. HALFORD.

km

APPENDIX B

Cb)

CITY OF HAMILTON
- RECOMMENDATION -

JUL 12 1994

DATE: 1994 June 23

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

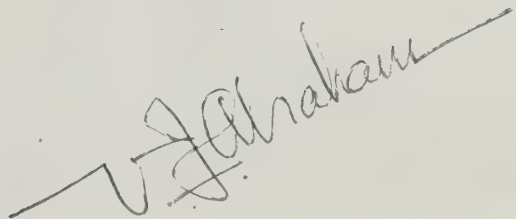

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V. J. Abraham
Director of Local Planning

SUBJECT: Extension of Draft Plan Approval
"Ridgeview Estates" Subdivision

RECOMMENDATION:

1. That the request by A.J. Cameracci, P. Eng., Urbex Engineering Limited, on behalf of T. Valery Construction Limited, owners, to extend draft plan approval for "Ridgeview Estates" subdivision under Regional File No. 25T-76046 for a further one (1) year period to August 29, 1995, be approved.
2. That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:**Location:**

The "Ridgeview Estates" subdivision is located at the south-east quadrant of Upper Wentworth Street and Stone Church Road East, in the Butler Neighbourhood (Appendix "A").

History:

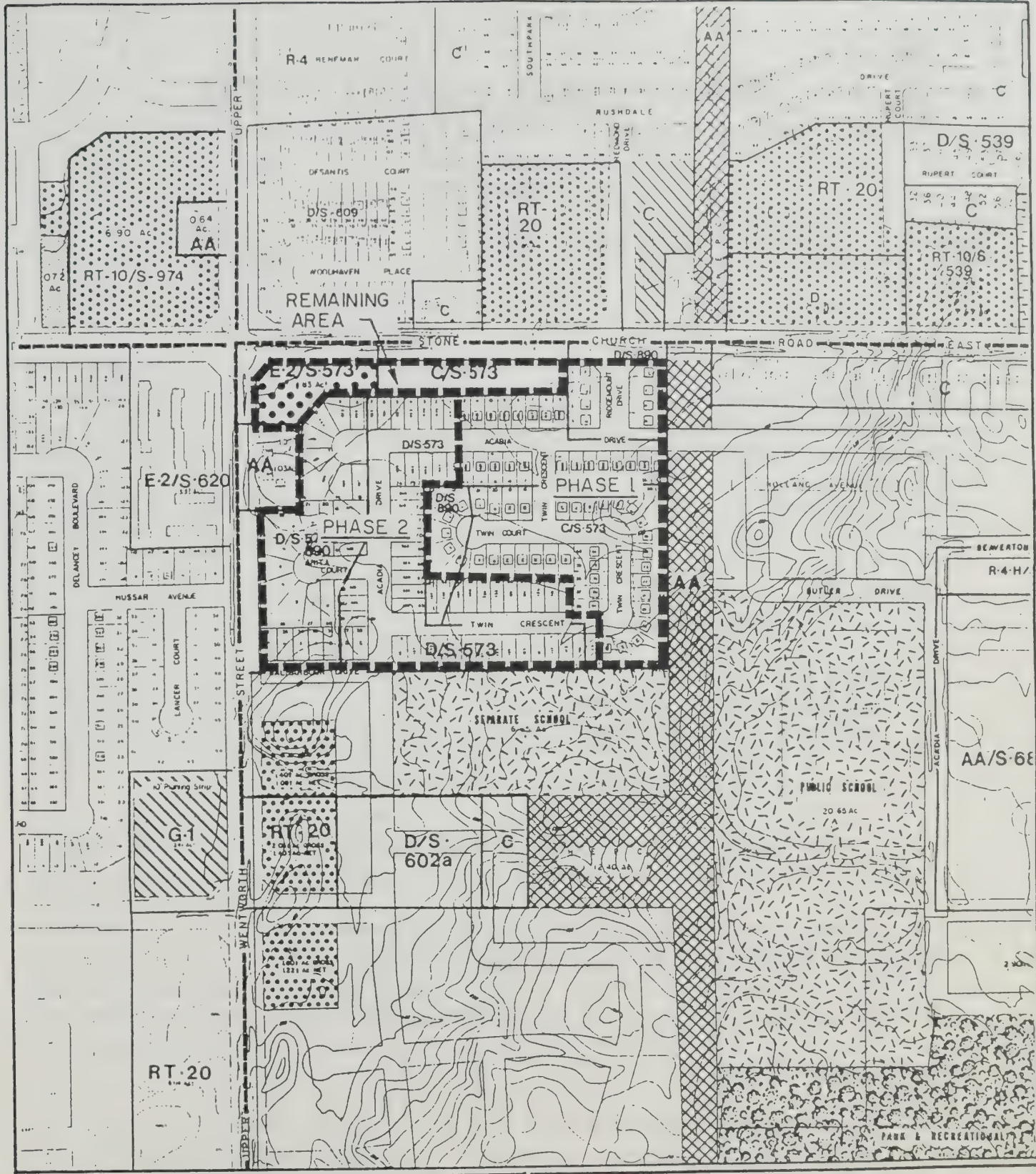
The "Ridgeview Estates" subdivision was originally draft approved on May 29, 1978 comprising of 72 lots for single family dwelling, 40 lots for "zero lot line" single family dwellings, 36 lots for semi-detached dwellings, and a block for approximately 65 units of medium density apartments. Since then, previous requests for extension have been granted to allow the development to be phased on market demand basis. The last extension is scheduled to lapse on August 29, 1994. The Consulting Engineer has now requested (Appendix "B") a further extension to allow the developer sufficient time to complete the final phases of development.

COMMENTS:

The original conditions of draft plan approval have been reviewed to determine if they are still applicable to the development. With two major phases of the development completed, the developer's Consulting Engineer has advised that the next phase comprising of 12 lots for single family dwellings is now being processed. The only remaining phase is designated for "medium density apartments" in the Butler Neighbourhood Plan and can be developed under the site plan approvals process. Therefore, a further extension of draft plan approval will not be required.

CONCLUSION:

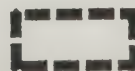
Based on the foregoing, the request for a further extension can be supported.



Location Plan For

"RIDGEVIEW ESTATES"

Legend



AREA OF PLAN OF
SUBDIVISION

North



Scale
N. T. S.

Date
APR. 18, 1989

Reference File No.
25T-76046

Drawing No.

Regional Municipality of Hamilton-Wentworth
Planning and Development Department



URBEX ENGINEERING LIMITED

161 REBECCA STREET • HAMILTON, ONTARIO, CANADA L8R 1B9
(905) 522-3328

CONSTRUCTION
ENGINEERING
PROPERTY MANAGEMENT

June 9, 1994

The Regional Municipality
of Hamilton-Wentworth
Planning and Development Dept.
P.O. Box 910
Hamilton, Ontario
L8N 3V9

Attention: Mr. L. Lanza, P. Eng.
Manager, Land Development

RE: **FILE NO. 25T-76046**
Subdivision Name: Ridgeview Estates
Owner: T. Valeri Construction Limited

REGIONAL PLANNING BRANCH
SUBDIVISION CONDOMINIUM
ADMINISTRATION SECTION

FILE NO.	25T-76046		
DATE RECEIVED	JUN 15 1994		
INT.	ACT.	INFO.	
DIRECTOR/			
ADM. HEAD			
MANAGER			
CLERK			

Dear Sir:

Further to your letter dated May 31, 1994 we request on behalf of the owner that the Region extend the conditions of draft approval for the above-noted subdivision.

It is the owner's intent to proceed immediately with the development of fourteen (14) lots along Stone Church Road East.

Enclosed is a cheque in the amount of \$230.00 from the owner for the subject application fee.

Yours truly,

A.J. Cameracci, P. Eng.
encl.

c.c. The City of Hamilton, Clerk's Department
71 Main Street West, Ham., Ont., L8N 3T4
Attn: Mr. J. Schatz

c.c. T. Valeri Construction Limited
2140 King St. E., Ham, Ont.
L8K 1W6 Attn: Mr. Valeri

CITY OF HAMILTON

Cc)

- RECOMMENDATION -

JUL 12 1994

DATE: 1994 July 5
DA-93-21 (ZAC-93-27)
Lawfield Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V. J. Abraham
Director of Local Planning

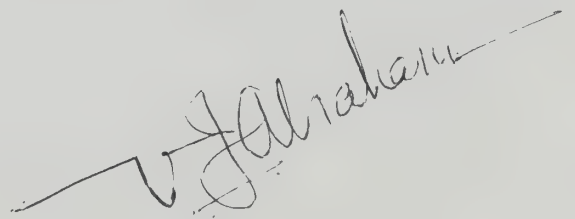
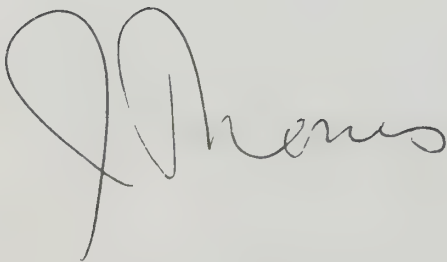
SUBJECT: Site Plan Control Application DA-93-21 for a gas bar, car wash and convenience store on the property at No. 528 Mohawk Road East.

RECOMMENDATION:

That approval be given to Site Plan Control Application DA-93-21 by 172965 Canada Limited (Imperial Oil) c/o Vince Serratore, owner, for property located at No. 528 Mohawk Road East, to permit redevelopment of the existing gas station and repair garage for a gas bar, car wash and convenience store subject to the following:

- a) modifications to the plans related to notes, dimensions, planting strips and grading as marked in red on the plans;
- b) revision to the plan to provide for only one pylon sign, instead of the three proposed on the plan;

- c) approval of a variance by the Committee of Adjustment to permit a reduction of the setback of the pylon sign from 6.0m to 0.0m adjacent to the daylight triangle at Mohawk Road East and Upper Sherman Avenue;
- d) dedication to the Region of a 2.134m road widening adjacent to Upper Sherman Avenue;
- e) dedication to the Region of a 12.19m x 12.19m daylight triangle at the south-east angle of Mohawk Road East and Upper Sherman Avenue; and
- f) provision of appropriate securities and agreement for the relocation of the existing bus shelter and bus stop on Upper Sherman Avenue to the satisfaction of the Public Transit Division of the Roads Department.



BACKGROUND:

Plans have been submitted to redevelop the existing gas station and repair garage to provide a new gas bar with overhead canopy, a convenience store and a car wash facility at 528 Mohawk Road East. The convenience store and gas bar with canopy is adjacent to Mohawk Road East. The car wash is to be located adjacent to the southerly boundary of the property. A new 2.0m high noise barrier is to be built along the southerly and easterly property lines and an additional 2.0m high noise barrier adjacent to the car wash exit door. The access driveways have been modified slightly but are generally in the same location as the existing approaches. New landscaping is proposed throughout the site as shown on the plans.

Three pylon signs are proposed for the development. A permanent "price" sign is located 1.5 m from Upper Sherman Avenue. A "major ID" sign is located adjacent to the convenience store/gas bar fronting Mohawk Road East and one "major ID" sign is in front of the car wash structure fronting Upper Sherman Avenue.

The Details of Development are as follows:

Lot Area:	3327m ²
Building Coverage:	204m ²
Building Height:	4.0m
Proposed Parking Spaces:	7
Landscape Area:	956m ²

ZONING

The lands where the subject of Zoning Application ZAC 93-27 which modified the zoning of the land. By-Law No. 93-236 was approved by City Council on 1993 November 30 zoning the lands "H/S-1318", to permit a mechanical car wash bay as an accessory use to the gas bar and included special requirements pertaining to planting strips, and visual/acoustical barriers.

RESULTS OF CIRCULARIZATION:

- The Traffic Department has advised that the submitted revised plans are satisfactory. The applicant must make an application for a Driveway Approach Approval through the Traffic Department.
- The Building Department has advised the following:
 1. "The areas along the southerly lot line and easterly lot line appear to be landscaped areas, not planting strips as required by By-Law No. 93-236. Furthermore, the site plan indicates that a 1.0 m wide sidewalk will be located in the 6.0 m wide planting strip area.
 2. All ground signs must be at least 6.0m from the street lines of Mohawk Road East and Upper Sherman Avenue including the daylight corner lot line."

- The Hamilton-Wentworth Engineering Department, in their attached letter, has provided comments related to grades, required road widening on Upper Sherman Avenue, required daylight triangle, bus stop and shelter relocation, plantings and fence location. The relocation of the bus shelter and stop must be to the satisfaction of the Public Transit Division of the Roads Department with associated costs being the responsibility of the applicant.

COMMENTS:

The submitted development plans comply with the intent of the preliminary plans submitted as part of the Zoning Application ZAC-93-27 except for the proposed pylon signs.

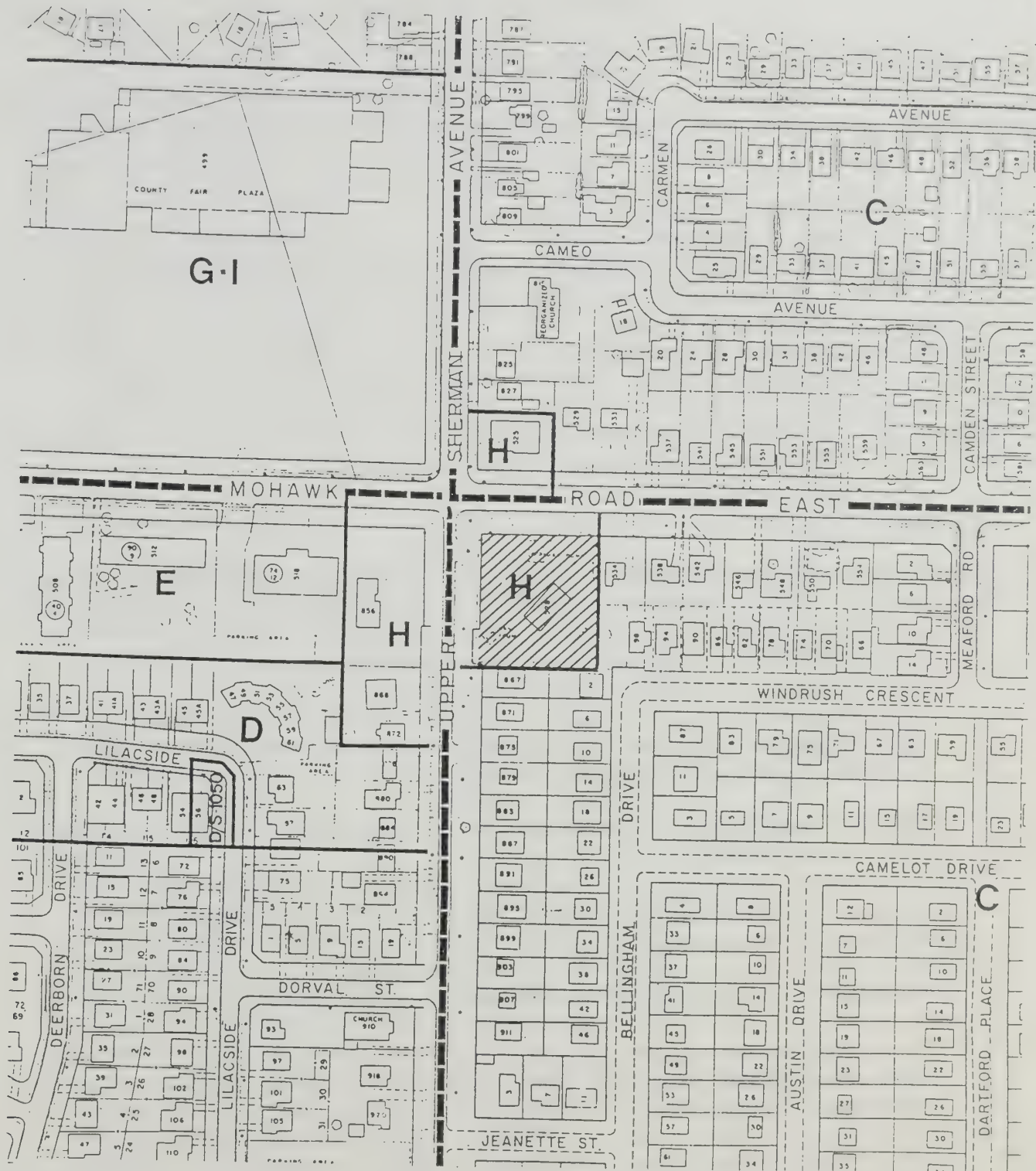
The applicant has verbally indicated that the three signs as located and shown on the plans are necessary for visibility of advertising for the uses on the property. The two signs adjacent to Upper Sherman Avenue would require a variance to reduce the required setback from 6.0 m to 1.5m and 3.0m from the streetline. The Planning and Development Department had previously noted in its report of 1993 October 13 to the Planning and Development Committee, that the signs should be relocated to accommodate the daylight triangle and to meet the required setbacks and thus the variance for the pylon signs could not be supported. No additional information has been submitted to alter the previous opinion. The Department maintains that the two submitted signs adjacent to Upper Sherman Avenue still cannot be supported since a pylon sign can be accommodated in a more appropriate location on the site at the corner. It should be noted that the existing gas station and repair garage has an existing pylon sign located at the corner of Upper Sherman Avenue and Mohawk Road East which the Department considers to be an appropriate corner location for a business identification.

The landscape plan provides for a well designed site to enhance the project and the neighbourhood. The plan has provided for the required road widening and daylight corner, minor adjustment to the driveway approaches and relocation of the bus stop and shelter. Minor modifications are required to the plans in relation to notes, dimensions, planting strips and grades.

CONCLUSION:

The proposed development can be supported subject to the above noted comments and modification to provide for one pylon sign.

(jps/jps:da93-21.r)



Site of the Application

(ZAC-93-27)
DA93-21

ROADS DEPARTMENT MEMORANDUM

PLANNING & DEVELOPMENT LOCAL PLANNING BRANCH				
File No.		JUL - 7 1994		
TO	STAFF	INIT.	INFO.	ACT.
SIR.				
PR. & A.				
DEVELOP.				
UT.				

ST				
YOUR FILE				DA-93-21
CART.				
ADMIN.				

TO: J. Sakala
Senior Landscape Architect
Planning and Development Department

FROM: E. P. Chajka, P. Eng.
Manager of Development
Roads Department

OUR FILE: E220-1202
PHONE: (905) 546-2809

SUBJECT: Site Plan Control Application DA-93-21 DATE: 1994 July 6
528 Mohawk Road East at Upper Sherman Ave.

Grading and Servicing

The grading plan submitted and dated August 1993, revised May 1994, will be approved when the following items have been revised.

1. Combination catch basin/manholes are not permitted in the City of Hamilton, and should therefore been shown as separate units.
2. The grading plan must be stamped and signed by a qualified Professional Engineer, Architect or Landscape Architect.
3. Note #16 should state that the rainwater leaders will be connected directly to the storm sewer system.

Transportation Comments

We have reviewed the above application and submit the following comments:

1. The designated road allowance width of Mohawk Road is 30.48m. In accordance with this designation, the Region previously acquired the required road widening on Mohawk Road by By-law No. 8513.
2. The designated road allowance width of Upper Sherman Avenue is 30.48m. According to our records, the Region acquired a portion of the road widening by By-law No. 8167 and Instrument No.188447 C.D. Therefore as a condition of site plan approval, we require that an additional strip of land 2.134m in width be dedicated to the Region for road widening purposes.

cont'd...

Site Plan Control Application DA-93-21
528 Mohawk Road East at Upper Sherman Ave.

cont'd...

This widening is required to establish the property line 15.24m from the centreline of the original Upper Sherman Avenue road allowance.

3. As a condition of site plan approval, we recommend that a 12.19m by 12.19m daylight triangle be dedicated to the Region for road widening purposes. This daylight triangle is to be established at the widened road allowance limits at the south east angle of Mohawk Road and Upper Sherman Avenue.

All setbacks are to be taken from the widened road allowance limits and the daylight triangle.

4. Comments from the City of Hamilton Traffic Department with respect to access design and location, stacking for the car wash etc. should be considered. Access Permits are required from their Office for any change in access or new access to Mohawk Road or Upper Sherman Avenue.
5. The applicant/owner must contact Mr. J. Pook of the City of Hamilton Public Works Department prior to the removal of any trees within the adjacent road allowances.
6. Any utility relocation etc. requires the approval from their respective Offices.
7. The hedge within the Upper Sherman Avenue road allowance, at the south side of the property is contrary to the Region of Hamilton Wentworth Roads Use By-law, and remain at the sole risk of the applicant/owner. Although the site plan indicates that the hedge be removed, we are presently reviewing this matter on site. The existing hedge appears to be a visual barrier around the bell pedestal for the residential lands to the south.
8. We require 5m by 5m daylight visibility triangles between the access and the widened road allowance limits in which the maximum height of any object (excluding light standard poles) or mature vegetation is not to exceed a height of 0.60m above the corresponding perpendicular centreline elevation of the respective streets. The landscape plan should be revised accordingly.

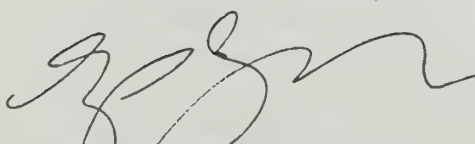
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-page 3-
July 6, 1994

Site Plan Control Application DA-93-21
528 Mohawk Road East at Upper Sherman Ave.

cont'd...

9. The relocation of the bus shelter and bus stop signs requires the approval of the Public Transit Division of the Roads Department. As the Region will be acquiring a 2.134m road widening on Upper Sherman Avenue as a condition of site plan approval, by copy of this letter to the Public Transit Division, they may wish to relocate the bus shelter further back from the existing curb line on Upper Sherman Ave.
10. It is unclear from the survey and site plans submitted what the straight line object is at the corner and the one just north of the southerly access on Upper Sherman Avenue. Please clarify this matter.
11. The existing concrete pad within the Upper Sherman Avenue road allowance, as widened, must be removed through the development of this property.



Eugene P. Chajka, P. Eng.
Manager of Development

CAU

cc: R. Douglas, Surveys
cc: Myron Lazar, Public Transit
cc: Roland Karl, Traffic Department

Cd)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 July 12
(ENV-ESA) **JUL 13 1994**

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee


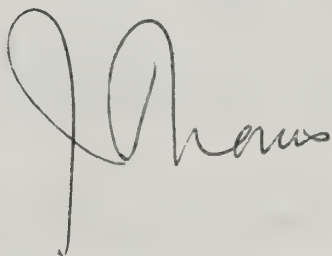
FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V.J. Abraham
Director of Local Planning

SUBJECT: Environmental Impact Statement - West side of Nash Road,
north of the C.N.R Railway Tracks

RECOMMENDATIONS:

1. That approval be given to the Scoped Environmental Impact Statement, for the property located on the west side of Nash Road, north of the C.N.R. railway tracks, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - a) That the Storm Water Management and Treatment measures, as identified in the Environmental Impact Statement, be incorporated into the Site Plan Agreement; and,
2. That the City Clerk be requested to notify the Region of Council's decision.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Regional Council, at its meeting of May, 1994 approved the lease of the subject lands, which are owned by the Region, to Paling Industries for parking and storage of equipment and parts, to be used in conjunction with their lands to the south. A number of conditions were included in the Lease Agreement, one of which is the approval of an Environmental Impact Statement.

City of Hamilton Official Plan

Since the lands are within Red Hill Creek-Kings Forest Environmentally Sensitive Area on Schedule "D" of the Official Plan, the lessee is required to undertake either an Environmental Impact Statement (EIS) or request a waiver from the EIS. In addition, the Official Plan policies require that Regional Council concur with the waiver request or EIS.

In 1990, the Special Projects Office was granted a waiver from the Environmental Impact Statement due to the realignment of Red Hill Creek Expressway. Since that time, the lands are no longer needed for freeway purposes and Paling expressed interest in leasing the land. The circumstances are different now than in 1990 (i.e. status of the roadway through that part of the corridor); therefore, a new waiver or EIS must be completed.

Environmental Impact Statement

Glen O'Connor from Basciano O'Connor Landscape Architects has submitted an Environmental Impact Statement to both the City and Region for approval.

In 1993, the Region established the Environmentally significant Areas Impact Evaluation Group (ESAIG) to assist staff in the evaluation of Environmental Impact Statements; to identify potential impacts and help identify appropriate mitigation measures.

ESAIG considered the scoped EIS and made the following comments:

"ESAIEG concurs with the general conclusion of the EIS that the construction of the proposed storage yard will not have a significant impact on the Redhill Creek Escarpment Valley ESA. ESAIEG recommends that:

- a) the following mitigation and construction measures be included as conditions of the lease:
 - i) a 10 metre setback from the western property line and a 5 metre setback from the northern property line as shown on the landscape mitigation plan.

That the proposed chain link fence be installed prior to excavation at these setbacks to define the perimeter of the work area (limit of work fence);

- ii) existing fill now placed on the creek bank on the adjacent property at the north-west side of the subject lands be removed and reseeded with annual rye grass to prevent sedimentation and erosion; the creek bank be graded to match existing grades; and,
- iii) to minimize impact on tree root systems which extend into the construction area the following steps be taken prior to excavation:
 - removal of vegetation and trees in the construction area;
 - cutting of tree roots at the fence line; and
 - placement of the chain link fence;
- b) the landscape mitigation and planting plan as proposed in the EIS be incorporated in site plan to be submitted to the City of Hamilton for review;
- c) to minimize potential contamination of stormwater, the proposed stormwater management and treatment measures be included in the site plan for review by municipal staff and that the site plan be circulated to ESAIEG during site plan review; and,
- d) to allow for future public access to the potential corridor system of the creek valley, that the adjacent municipal lands, shown as Part 7 and Part 2 on the plan of survey, remain in municipal ownership, not be leased or conveyed for industrial purposes and, as per the landscape mitigation and planting plan be allowed to naturally regenerate."

Site Plan Control

As noted above, the subject lands were subject of a waiver request in 1990. At that time, the City placed the lands under Site Plan Control to ensure the mitigation measures were implemented. Therefore, the lessee will be required to submit a Site Plan addressing, among other things, the mitigation measures proposed. For the purposes of the Site Plan, the following measures are applicable:

- 1) The proposed storm water management and treatment measures should be included as part of the site plan since they are important mitigating measures.

CONCLUSION:

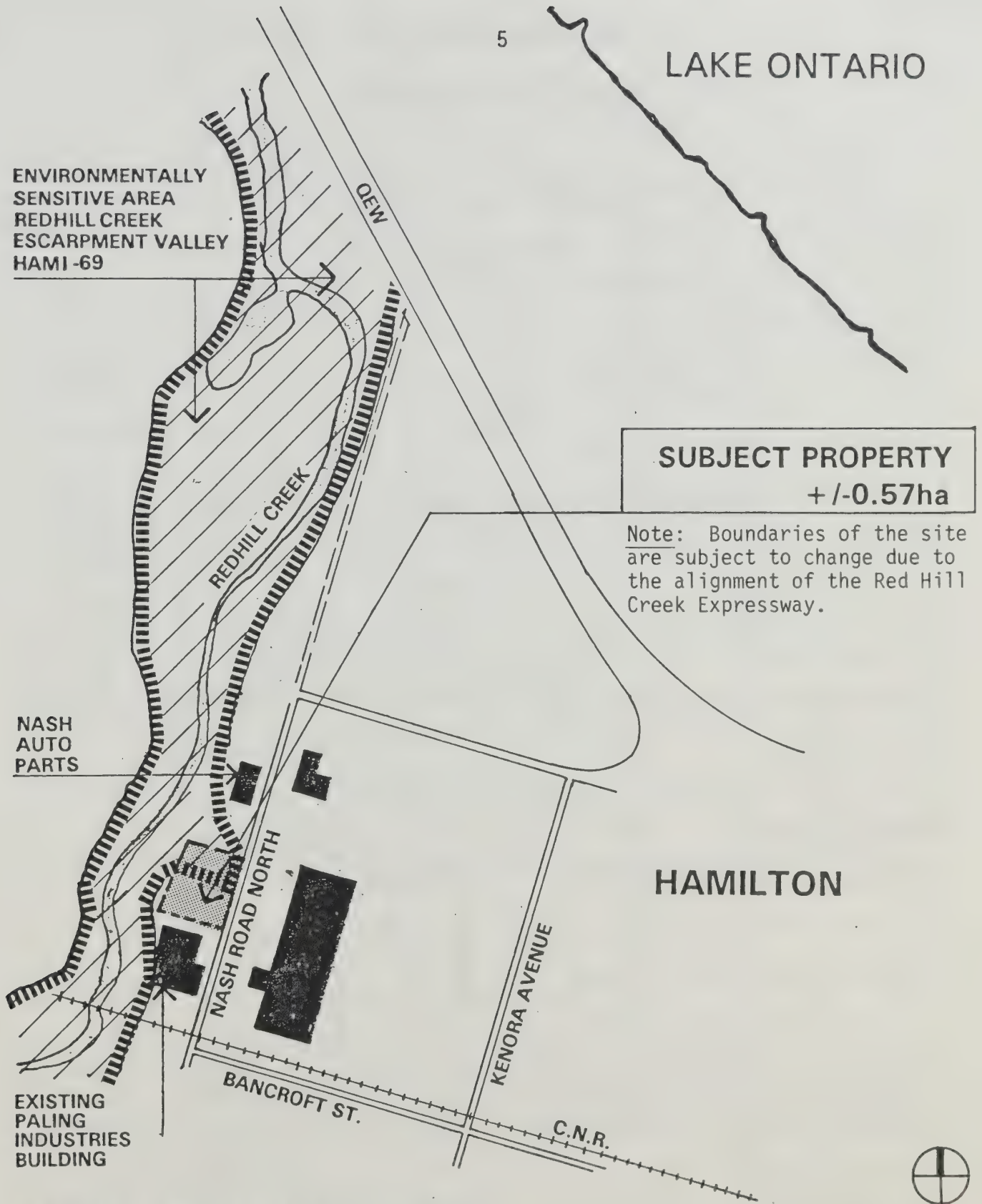
Based on the above, the Scoped Environmental Impact Statement can be supported provided the following actions are undertaken at the site plan stage:

- a) That the Storm Water Management and Treatment measures, as identified in the Environmental Impact Statement, be incorporated into the Site Plan Agreement.

The lease conditions will be implemented through the Region.

JHE/jhe

paling



SITE CONTEXT



APPENDIX 'A'

STUDY AREA



Dad

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1994 June 29

JUL 12 1994

REPORT TO: Tina Agnello, Secretary
Planning and Development CommitteeFROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Closure of Capital Accounts (94.2.4.2.1.A, 94.5.10)

RECOMMENDATION:

That the City Treasurer be directed to close Capital Accounts CF508541003 - Accommodation Requirements and CF509141017 - Renovate Administration & Examination Sections, and that the unexpended amount of \$5,380.46 be transferred to its original source of financing.

CAPITAL CENTRE NUMBER	PROJECT DESCRIPTION	AUTHORIZED GROSS COST	EXPENDED/ COMMITTED TO DATE	BALANCE AVAILABLE	SOURCE OF FUNDING
CF 508541003	Accommodation Requirements - Building Dept.	\$29,900	\$24,519.54	\$5,380.46	Reserve for capital projects
CF 509141017	Renovate Administration & Exam Sections	\$125,000	\$125,294.45	(\$294.45)	Reserve for capital projects

BACKGROUND:

Capital accounts CF508541003 and CF509141017 were established in 1985 and 1991 respectively, to finance various renovation/accommodation projects in the Building Department. The subject projects have now been completed. Accordingly, the outstanding capital accounts shall now be closed, and the unexpended net balance be transferred to the original source of financing.

LCK/tl

061

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 July 11 **JUL 12 1994**
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee
FROM: Len King, P. Eng.
Building Commissioner
SUBJECT: Amendment to Property Standards By-law #74-74
(94.2.4.2.1 & 94.4.9)

RECOMMENDATION:

1. That Section 19 of By-Law 74-74 be amended by adding Subsection (7),
 1. (i) "Exterior walls of a building or structure and their components shall be maintained free of painted slogans, graffiti, or similar defacements"; and,
 - (ii) Exterior walls of a building or structure, and their components, shall be maintained free of posters or advertisements which are:
 - a) for events which have already occurred; or
 - b) which are, or may become, loosened, dislodged, torn or otherwise in a condition which may permit them to detach and become litter.
2. That the appropriate by-law be enacted by Council. (Attached hereto and marked as Appendix A).



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Several complaints have been received regarding the placement of advertising signs on walls, in windows of vacant buildings, and on the exterior face of buildings throughout several areas of the City.

At the present time, there are no provisions within the Property Standards By-Law to resolve the concerns expressed.

This matter has also been brought up by several B.I.A.'s in the City and specifically from the Mayor's Task Force on Downtown Issues and Renewal. This information was submitted to the Transport and Environment Committee in the first report of the Mayor's Task Force on Downtown Issues and Renewal dated 1994 March 23, Item 14.

BDA/sb

BY-LAW NO. 94-

To Amend:

By-Law No. 74-74

TO AMEND THE PROPERTY STANDARDS BY-LAW

WHEREAS the Council of the Corporation of the City of Hamilton passed By-Law No. 74-74 on the 30th day of April 1974, in accordance with the Planning Act, R.S.O. 1970, Chapter 349, Section 36, (now the Planning Act R.S.O. 1990, Chapter 13 authorizing a Council to enact a by-law,

- a) for prescribing standards for the maintenance and occupancy of property within the municipality or within any defined area or areas and for prohibiting the occupancy or use of such property that does not conform with the standards;
- b) for requiring property that does not conform with the standard to be repaired and maintained to conform with the standards or for the site to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;

AND WHEREAS the Council of The Corporation of the City of Hamilton on (date), in adopting Item (number) of the (number) Report of the Planning and Development Committee, authorized this By-Law.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. Section 19 of By-Law 74-74 is amended by adding the following subsection (7)
 - (i) "Exterior walls of a building or structure and their components shall be maintained free of painted slogans, graffiti or similar defacements"; and,
 - (ii) Exterior walls of a building or structure, and their components, shall be maintained free of posters or advertisements which are:
 - a) for events which have already occurred; or
 - b) which are, or may become, loosened, dislodged, torn or otherwise in a condition which may permit them to detach and become litter.
2. In all other respects By-Law No. 74-74 is hereby confirmed, unchanged.

PASSED this day of

A.D. 1994.

CITY CLERK

Mayor

Dc)

CITY OF HAMILTON

- RECOMMENDATION -

JUL 12 1994

DATE: 1994 July 11

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng
Building Commissioner

SUBJECT: Loan Deferral
James Street Baptist Church (94.2.4.2.1.A)

RECOMMENDATION:

That the Planning and Development Committee and City Council approve the request from James Street Baptist Church, 96 James Street South, Hamilton to defer payment for another year on the principal portion of their Heritage Trust Fund Loan. Note: This reduces the monthly payment from \$555.13 to \$214.63.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Chief Administrative and City Treasurer received approval in 1992 July from the Finance and Administration Committee to defer payment on the principal of a \$50,000. Heritage Loan for James Street Baptist Church for a period of two years. The City has since received a written request from the Church requesting an extension of approximately one year. They have indicated that next year they will be refinancing with the CIBC with the idea of consolidating. Attached is a copy of the request.

The Building Department, therefore, recommends that the Planning and Development Committee and City Council approve the extension for payment of interest only until September 1, 1995. The monthly payment is to remain at \$214.63.

LCK/JHR/dc
Attach.

c.c. A. Ross, Treasurer



james street baptist church

(416) 522-9042

96 James Street South, Hamilton, Ontario L8P 2Z2

July 4 1994.

The Corporation of the City of Hamilton,
City Hall,
71 Main Street West,
Hamilton, Ontario.
L8N 3T4.

Attention: Raymond Camani, Treasury Department.

TREASURY		
1994 JUL 5		
ROUTE	REC'D	
A.C.R.		
L.R.H.		
N.R.I.		
T.W.O.		
T.S.		
C.O.		
A.N.		

Dear Sir,

Community Heritage Program Loan #66

I write in connection with the above loan facility. As you are aware, for the past two years we have been making monthly payments in the amount of \$214.63, representing interest only.

The loan was to revert back to the original monthly payment amount of \$555.13 in August 1994.

I am writing to request your assistance in allowing a continuance of interest only payments until June 30 1995.

At that time we will be renewing our loan package at the C.I.B.C. and it is our intention to consolidate your loan with the outstanding balance of our bank financing.

Yours truly,


Gordon Schofield, Treasurer.

Dd)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1994 July 11 JUL 12 1994

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P. Eng.
Building Commissioner

SUBJECT: Appointment By-law #92-094

RECOMMENDATION:

1. a) That Appointment By-Law 92-094, Section 9, be amended by deleting the following names: Rae Ilton, Alexander Fedora, Charles Hewitt, Gail Nolan; and,
- b) That Section 9 be further amended by adding the following names: Gail Stevenson, Douglas Tam, Zoran Kristo, Frank Genovese, Alison Orr, Marianne Lyon, Sarah Bradley, Erin McClintock, Joyanne Beckett; and,
- c) That the appropriate by-law be enacted by Council. (Attached hereto and marked as Appendix A)



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

Due to retirements, marital status, and new Inspectors being employed, by-Law 92-094 needs to be amended to accommodate these changes.

The Corporation of the City of Hamilton

BY-LAW NO. 94-

To Amend:

By-Law No. 92-094

APPOINTMENT OF INSPECTORS

WHEREAS By-Law No. 92-094, passed on the 31st day of March, 1992, provided for the appointment of the Chief Building Officials and Inspectors under The Building Code Act, R.S.O. 1990, Chapter 13.

AND WHEREAS it is intended to provide for additional Inspectors.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Clause 9 of By-Law 92-094 is amended by adding thereto the following names:
 - i) Gail Stevenson
 - ii) Douglas Tam
 - iii) Zoran Kristo
 - iv) Frank Genovese
 - v) Alison Orr
 - vi) Marianne Lyon
 - vii) Sarah Bradley
 - viii) Erin McClintock
 - ix) Joyanne Beckett
2. Clause 9 be further amended by deleting the following names:
 - i) Rae Ilton
 - ii) Alexander Fedora
 - iii) Charles Hewitt
 - iv) Gail Nolan
3. In all other respects By-Law No. 92-094 is hereby confirmed, unchanged.

PASSED THIS

day of

A.D. 1994

CITY CLERK

MAYOR

De)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1994 July 12 JUL 12 1994

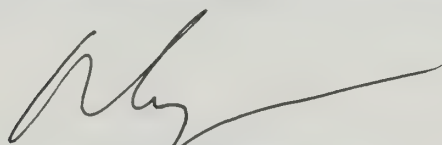
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Commercial Loan Programme
245 King William Street (94.2.4.2.1.A)

RECOMMENDATION:

That a Commercial Loan in the amount of twenty five thousand dollars (\$25,000.) be approved for I. Margaret Higgins. The interest rate will be 4 per cent amortized over 10 years.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The owner of 245 King William Street has applied for assistance under the City of Hamilton's Commercial Loan Programme. As per the terms of the Programme, the Building Department has inspected the property under the Property Standards By-law 74-74, and the necessary repairs have been included in the cost of repairs.

The International Village Business Improvement Area (B.I.A.) has reviewed the plans and approved the work which is to be undertaken by the owner.

The Building Department, therefore, recommends the approval of a Commercial Loan to I. Margaret Higgins for improvements to 245 King William Street in the amount of \$25,000. The loan will be amortized over a 10 year period at 4 per cent interest. The monthly payments will be \$253.11 and will be secured by a Promissory Note and a lien registered on title.

c.c. R. Camani, Treasury Department
D. Powers, Law Department

DF)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 July 12

JUL 12 1994

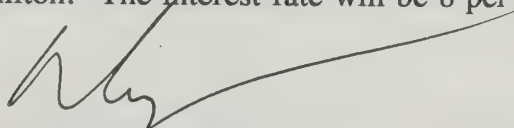
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Hamilton Emergency Loan Programme
443 Melvin Avenue
(H.E.L.P.)(94.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, three hundred and forty-two dollars (\$1,342.) be approved for Neil and Elaine Bohnert, 443 Melvin Avenue, Hamilton. The interest rate will be 8 per cent amortized over 5 years.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of \$2,000. could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

The Building Department, Loans Division, recently finalized an Emergency Loan for Neil and Elaine Bohnert, 443 Melvin Avenue in the amount of \$1,342. The roof and chimney have been repaired, and the Department recommends approval in the amount of \$1,342. at 8% interest and amortized over five (5) years.

LCK/JHR/dc

c.c. R. Camani, Treasury

Dg11)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 July 12 JUL 12 1994
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee
FROM: L.C. King, P. Eng.
Building Commissioner
SUBJECT: Demolition of:
701 UPPER SHERMAN AVENUE
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 701 UPPER SHERMAN AVENUE.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "E" Multiple Dwellings (Map E-37)

PRESENT USE: Nursing Home (Macassa Lodge)

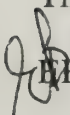
PROPOSED USE: Nursing Home

BRIEF DESCRIPTION: 3-storey brick "A" wing

The city wishes to demolish "A" Wing and rebuild a new building. Also three other interior areas will be demolished for interior renovations. No LACAC interest.

The owner of the property as per the demolition permit is:

The City of Hamilton

 BB/zr

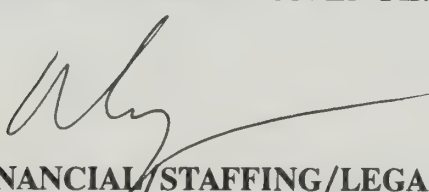
Dg)ii)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 July 12 JUL 12 1994
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee
FROM: L.C. King, P. Eng.
Building Commissioner
SUBJECT: Demolition of:
1400 UPPER SHERMAN AVENUE - Tag Number 92317
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1400 UPPER SHERMAN AVENUE.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C" Residential (Map E-27C)

PRESENT USE: Single Family Dwelling


PROPOSED USE: New Single Family Dwelling

BRIEF DESCRIPTION: 1-storey wood frame house

The owner wishes to demolish the existing house and erect a new one. No LACAC interest.
Lot size 150' x 83'.

The owner of the property as per the demolition permit is:

Frank Forlini
1522 Main Street East
Hamilton, Ontario

 EB/zr

Dg)iii

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1994 July 12 JUL 12 1994
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee
FROM: L.C. King, P. Eng.
Building Commissioner
SUBJECT: Demolition of:
132 CRAIGROYSTON AVENUE - Tag Number 92393
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 132 CRAIGROYSTON AVENUE.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C" Residential (Map E-75)

PRESENT USE: Single Family Dwelling

PROPOSED USE: New Single Family Dwelling

BRIEF DESCRIPTION: 1-storey wood frame house

Owner wishes to demolish existing house and replace with a new one. No LACAC interest.
Lot size 40' x 93.5'.

The owner of the property as per the demolition permit is:

Melarin Construction
140 7th Road East
Stoney Creek, Ontario

EB/zr

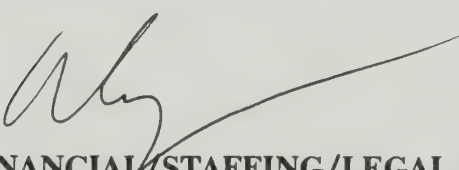
Dgdiv)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 July 12 JUL 12 1994
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee
FROM: L.C. King, P. Eng.
Building Commissioner
SUBJECT: Demolition of:
112 PROVINCE STREET NORTH
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 112 PROVINCE STREET NORTH.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "D" Residential (Map E-54)

PRESENT USE: Single Family Dwelling


PROPOSED USE: Crown Point East Park

BRIEF DESCRIPTION: 1-storey brick house

The owner wishes to demolish the house and assemble the land for a park. No LACAC interest. Lot size 25' x 100'.

The owner of the property as per the demolition permit is:

City of Hamilton
Property Department

/zr

Dg)vr)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 July 12 JUL 12 1994
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee
FROM: L.C. King, P. Eng.
Building Commissioner
SUBJECT: Demolition of:
499 CHARLTON AVENUE EAST
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 499 CHARLTON AVENUE EAST.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C" Residential (Map E-14)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Roadway purposes

BRIEF DESCRIPTION: 1-storey frame house

The City wishes to acquire the house for roadway purposes. House has severe structural problems. No LACAC interest. Lot size 36.4' x 57.8'.

The owner of the property as per the demolition permit is:

City of Hamilton
Property Department

EB/zr

Dg)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1994 July 12 JUL 12 1994

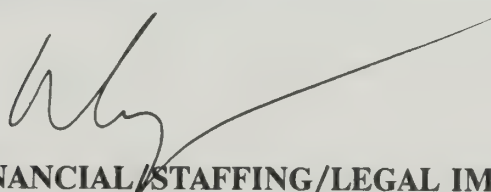
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
50 HOLLY AVENUE
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 50 HOLLY AVENUE.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "D" Residential (Map E-52)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Proposed park

BRIEF DESCRIPTION: 1½ storey frame house

The City wishes to demolish the house and assemble land for a park. No LACAC interest. Lot size 25' x 100'.

The owner of the property as per the demolition permit is:

City of Hamilton
Property Department

EB/zr

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1994 July 12

JUL 12 1994


REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
108 ANNABELLE STREET - Tag Number 92351
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 108 ANNABELLE STREET.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "AA" Agriculture (Map W-9B)

PRESENT USE: Single Family Dwelling

PROPOSED USE: New Single Family Dwelling

BRIEF DESCRIPTION: 1-storey 28' x 35' wood frame house

Owner wishes to demolish existing house and erect a new one. No LACAC interest. Lot size 66' x 263'.

The owner of the property as per the demolition permit is:

Agent John Bruzzese
Hamilton, Ontario

EB/zr



E

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 July 13

REPORT TO: Alderman D. Drury, Chairperson
and Members
Planning and Development Committee

FROM: T. Agnello, Secretary
Planning and Development Committee

SUBJECT: **Information Items**

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

- (a) Director of Public Works - Mayor's Task Force on Downtown Issues and Renewal, dated 1994 June 1.
- (b) Deputy Building Commissioner - Downtown Community Development Corporation, dated 1994 June 15.
- (c) Building Commissioner - Bill 120, The Residents Rights Bill - Two Unit Residential Occupancies, dated 1994 July 11.
- (d) Building Commissioner - Almas Gardens Phase 3 - Retaining Walls, dated 1994 July 11.
- (e) Commissioner of Planning and Development and Director of Local Planning - Approved Site Plan Control Applications, dated 1994 July 8.
- (f) Director of Public Works - Westdale Village Business Improvement Area (B.I.A.) - Maintenance of Hanging Flower Baskets, dated 1994 June 20.

T. Agnello

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

CAYON HBL AOS
CSI PY
URBAN/MUNICIPAL



Urban Municipal Coll.
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

URBAN MUNICIPAL

Wednesday, 1994 August 24
9:30 o'clock a.m.
Room 233, City Hall

AUG 19 1994

GOVERNMENT DOCUMENTS

Tina Agnello, Secretary
Planning and Development Committee

A G E N D A:

PUBLIC MEETINGS

9:30 O'CLOCK A.M.

1. **Zoning Application 94-10, John LeCluse, In Trust, prospective owner, for a change in zoning from "E" District to "H" District, modified, for lands located at the rear of No. 925 Main Street West**

- Submissions:
- (a) Heather Halabourda, 127 Bond Street South
 - (b) Dorothy A. Pearson, 718-981 Main Street West
 - (c) Ronald D. Bunston, 718-981 Main Street West
 - (d) G. de Boer, Niagara Escarpment Commission,
166 Main Street West, Grimsby
 - (e) Joy M. Lane, 323-981 Main Street West
 - (f) Lauren McKinley, 981 Main Street West, 1115

2. **Zoning Application 94-16, Constantine, Anna, Mark and Victoria Skypas, and Andrew and Irene Dabroski, owners, for a change in zoning from "AA" District to "C" District, for lands located at the rear of 144 Limeridge Road East**
3. **Zoning Application 94-08, Canadian National Railway Company, c/o CN Real Estate, owner, for a change in zoning from "JJ" District to "CR-2" District, modified for Block "1", and to "DE-2", modified for Block "2", for lands located at 153 Cathcart Street, 194 Barton Street East, and 174, 180 and 186 Ferguson Avenue North**

Submission:

- (a) Alexander Alecksoff, Instrument No. 190509 A.B.

9:45 O'CLOCK A.M.

4. **Zoning Application 94-11, Roy Gordon Smith, In Trust, owner, for a modification to the "H" District regulations for Block "1" and the "C" District regulations for Block "2", for lands located at 1500 and 1502 Main Street East**

Submissions: (a) Lorenzo and Julia Micheli, 1505 Main Street East

(b) Audrey Beniach for Anne Beniach, 7 Barons Avenue South

(c) Norman Chan, 1513 Main Street East

5. **Proposed Walkway Closure - Between Nos. 300 and 304 St. Andrews Drive (Vincent Neighbourhood)**

6. **Official Plan Housekeeping Amendment**

7. **REFERRAL BACK FROM COUNCIL**

(a) Demolitions: (i) 131 Forest Avenue

(ii) 137 Forest Avenue

(b) Reports from Building Commissioner dated 1994 August 18:

(i) 131 Forest Avenue

(ii) 137 Forest Avenue

8. **DELEGATIONS:**

Taco Bell, Main Street West and Dundurn

(a) Geoffrey Jones, 66 New Street

(b) Michael Tucker, 75 Dundurn Street South

9. **DIRECTOR OF PROPERTY**

Hamilton Firefighters Drum Corps Inc.
Practice Facility on City owned leased land -
175 Dartnall Road - Exemption from Requirement
for Security Deposit for Site Development

10. **COMMISSIONER OF PLANNING AND DEVELOPMENT AND
DIRECTOR OF LOCAL PLANNING**

Terms of Reference for Albion Falls
Modified Neighbourhood Plan Review -
Authorization to Undertake Study

11. **CONSENT AGENDA**

12. **PRIVATE AND CONFIDENTIAL AGENDA**

13. **OTHER BUSINESS**

14. **ADJOURNMENT**

PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	Mobile Signs		Planning	Report Pending
2.	ZA-91-12 - 25 Hess Street South	1992 June 24	Applicant	Tabled for negotiations between parties
3.	Definition of "Foster Home" and "Residential Care Facility"	1992 November 18	Alderman T. Cooke	Planning & Building Departments to prepare a report
4.	Implementation of Public Participation Policies - Central Area Plan	1993 March 24	Planning	Planning to prepare guidelines based on CAPIC Report dated 1993 March 11
5.	Possible amendment to By-law 77-224 Re: Pumps and Filters for Swimming Pools	1993 October 6	Building Commissioner & Director of Local Planning	Report Pending
6.	Closure of Walkway between Fonthill Road and Upper Paradise Road	1993 November 3	Transport and Environment Committee	Awaiting recommendation on assumption of walkway
7.	Report on Merits of having Regional Planning Department back to City level	1994 February 16	J. Pavelka, C.A.O.	Tabled
8.	Mayor's Task Force on Downtown Issues.	1994 April 16	Various Departments	Reports forthcoming to Committee.
9.	ZA-93-47 200 Rymal Road East	1994 April 20	Applicant	Tabled to allow applicant to resubmit amended application.
10.	Amendment to Property Standards By-law for Lighting Requirements in Private Parking Lots	1994 June 22	Building	Report Pending
11.	Lot Grading with respect to Land Severance Applications creating 1,2 & 3 Lots & Subdivision Agreements	1994 June 22	Law Department	Report Pending
12.	Monster Homes	1994 June 22	Building	Report Pending

No.	Item	Original Date	Action	Status
13.	Site Plan Control Application DA-92-13	1994 June 22		Tabled
14.	ZA94-10 John Lecluse - Rear of 925 Main Street West	1994 July 20	Applicant	To be Recircularized
15.	ZAC-93-42 - Rear of 1094 Upper Sherman Avenue -By-law to be held in abeyance	1994 July 20	O.M.B.	Tabled Awaiting Decision re: ZAC93-43 Front of 1094 Upper Sherman Avenue
16.	Firenze & Greencedar - Retaining Wall	1994 July 20	Law & Building Departments	Tabled Pending Report
17.	Demolition of 131 Forest Avenue & 137 Forest Avenue	1994 July 20	Ald. McCulloch	Tabled to Hear Delegation

Tina Agnello, Secretary
1994 August 24

/mjw

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1994 August 15
ZAC-94-10
Westdale South Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V. J. Abraham
Director of Local Planning

SUBJECT: Request for a change in zoning for lands located at the rear
of No. 925 Main Street West

SECOND REPORT

RECOMMENDATION:

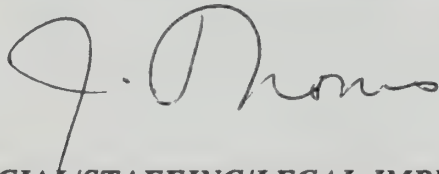
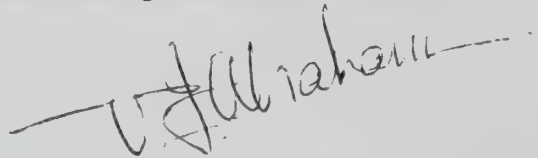
1. That approval be given to amended Zoning Application 94-10, John Lecluse in trust, prospective owner, requesting a change in zoning from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "H" (Community Shopping and Commercial, etc.) District modified, to permit the existing parking area to be used in conjunction with the existing automobile dealership (Sterling Honda), for property located at the rear of 925 Main Street West, shown on the attached map marked as APPENDIX "A", on the following basis:
 - a) That the subject lands be rezoned from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "H" (Community Shopping and Commercial, etc.) District;
 - b) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14. of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variance as a special requirement:
 - i) Notwithstanding Section 14 (1) of By-law No. 6593, only the existing parking area shall be permitted on the subject lands at the date of the passing of the by-law;
 - c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-33 be notated S- ;

- d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-33 for presentation to City Council;
- e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-Law is to provide for a change in zoning from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "H" (Community Shopping and Commercial, etc.) District modified, for the lands located at the rear of 925 Main Street West, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit the existing parking area only to be used in conjunction with the existing automobile dealership (Sterling Honda), fronting onto Main Street West.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant is requesting a change in zoning from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "H" (Community Shopping and Commercial, etc.) District modified, to permit the existing parking area only to be used in conjunction with the existing automobile dealership, fronting onto Main Street West.

- Land Division Committee Applications H-03-94

The applicant filed a land severance application to convey an irregular shaped parcel of land having a lot area of 1138.0 m² for commercial purposes, and to retain the balance of the holding also irregular in shape having a lot area of 28,526 m² for residential purposes.

It is understood that the lands to be conveyed are surplus lands to and not utilized by the residential property at 981-1001 Main Street West (i.e. Camelot Towers).

The Land Division Committee on February 15, 1994 granted the application subject to final approval of any necessary change of zoning/zoning amendment. The applicant must fulfil this condition by February 15, 1995.

- Previous Meeting

The Planning and Development Committee on July 20, 1994 tabled the application at the request of applicant for a new date and time to be recirculated.

APPLICANT:

John Lecluse in trust, prospective owner.

LOT SIZE AND AREA:

- Irregular frontage and depth at the rear of 925 Main Street West; and,
- an approximate lot area of 1120.20 m² (12,058.1 sq. ft.).

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Parking and Vacant	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District
<u>Surrounding Lands</u>		
to the north	Automobile Dealership	"H" (Community Shopping and Commercial, etc.) District
to the west	Apartments	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District
to the east and south	Vacant	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated ***Commercial*** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

- "A.2.2.1 The primary uses permitted in the areas exceeding 0.4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.
- A.2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads,

serving both pedestrian and automobile borne trade. It consists of:

- ii) Larger scaled "Highway" Commercial uses on deep lots, reliant on locations readily accessible to private vehicles specifically coming to, and parking on, the premises to do business.

A.2.2.21 All outdoor storage areas will be fenced or suitably screened from adjacent Residential Uses. Council may permit the temporary storage of materials without screening for display or promotional purposes only, provided vehicular movement is not endangered, and that all parking requirements can be met.

A.2.2.35 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:

- i) Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;
- ii) Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Uses; and,
- iii) Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses.

A.2.2.37 In addition to the provisions of Subsection B.3.3 of this Plan, adequate parking and loading space will be required in clearly defined areas for all development and redevelopment within the COMMERCIAL designation and will include adequate space for owners, employees, customers and delivery vehicles. Council will require that, in all normal circumstances, a high standard of parking and loading facilities will be maintained in accordance with current practices.

A.2.2.40 Where possible, loading facilities and parking space for delivery vehicles will be located, buffered and screened, so as to minimize adverse impacts on adjacent Residential Uses."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

There is no Neighbourhood Plan for Westdale South Neighbourhood.

RESULTS OF CIRCULARIZATION:

- The following agencies have no comment or objection:
 - Ministry of Transportation;

- Traffic Department;
- Union Gas; and,
- Hamilton Region Conservation Authority.

- The Roads Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

As the subject lands abut Hwy. #403, which is under the jurisdiction of the Ministry of Transportation of Ontario, comments from them with respect to grading, Building Land Use Permits etc. should be considered."

- The Building Department has advised:

- "1. The development of the lands shall comply with Section 18(3)(ivc) of the Zoning By-law.
2. The Ministry of Transportation and Communication may have some requirements regarding any development."

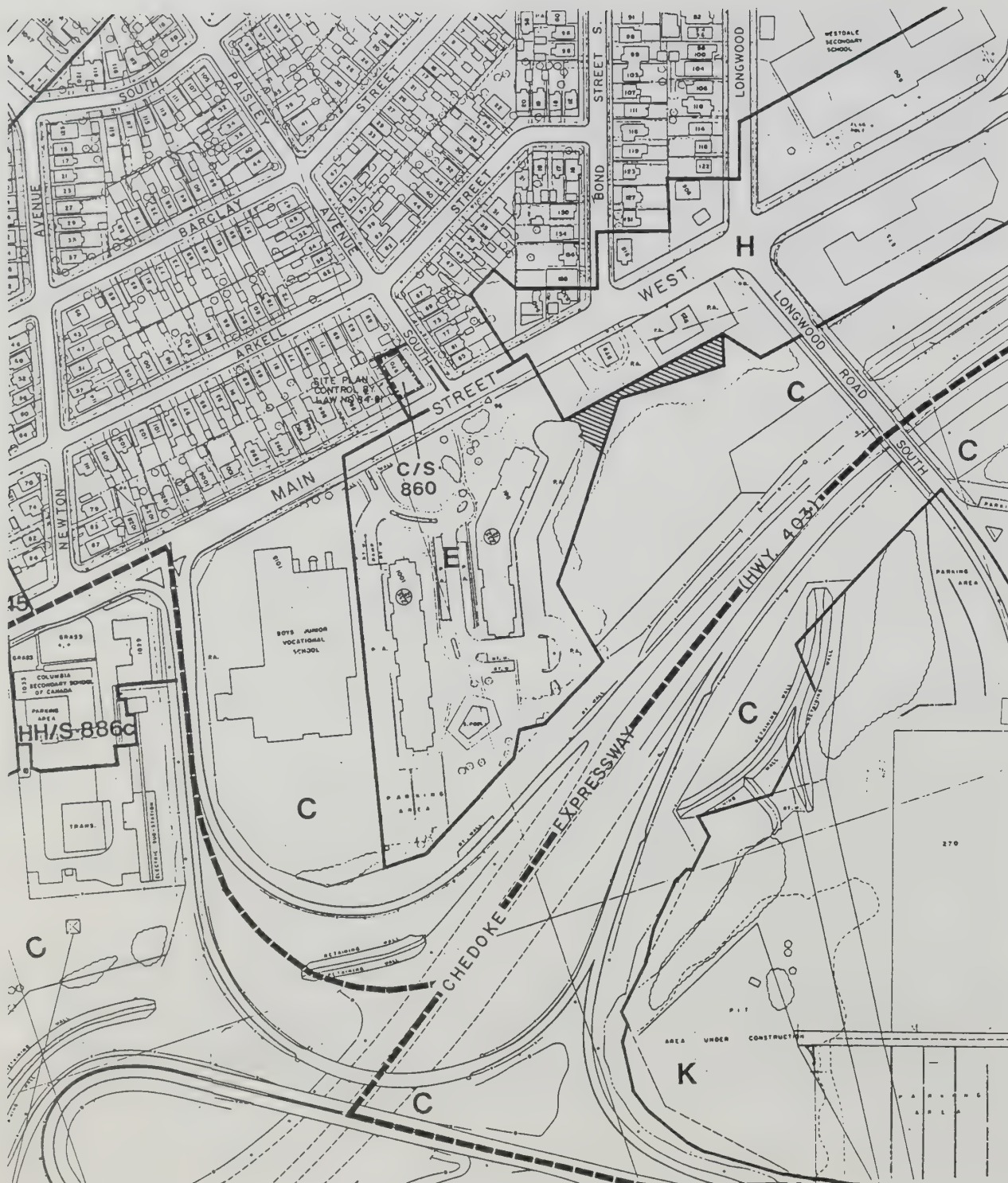
COMMENTS:

1. The proposal complies with the intent of the Official Plan.
2. The proposal can be supported for the following reasons:
 - i) it complies with the intent of the Official Plan;
 - ii) it is compatible with the existing commercial development to the east; and
 - iii) the lands are surplus to and not utilized by the residential property to the west (i.e. Camelot Towers).
3. The agent for the applicant has advised (see attached letter) that a portion of the subject lands are currently used for parking and storage of vehicles in conjunction with the existing automobile dealership (Sterling Honda) fronting onto Main Street West, and no site modifications are anticipated (i.e. additions, grading, and landscaping). The Land Severance Application and the subject zoning application was filed to legalize an existing situation.

CONCLUSION:

Based on the foregoing, the amended proposal can be supported.

jl/JL
WPZAC9410



Legend



Site of the Application



7

CLYDE D. HALFORD, LL.B.

BARRISTER & SOLICITOR

801 MOHAWK RD. WEST,

HAMILTON, ONTARIO, L9C 6C2

TELEPHONE: (905) 388-0973

FAX: (905) 388-2797

August 11, 1994

Planning & Development Department,
City of Hamilton,
City Hall,
71 Main St. West,
Hamilton, Ontario.
L8N 3T4.

ATTENTION: Mr. Joe Lacatose
FAX 546-4202

Dear Sir:

RE: File NO. ZAC-94-10
John Lecluse in trust

This letter will confirm the meeting between John Lecluse, yourself and myself with respect to the above-captioned application. My client has instructed me to confirm his advice during our meeting that he is content with site specific zoning of the parcel and that there is no current intention to utilize the property in a different fashion from its current use.

I trust the above is satisfactory and if you require anything further please advise.

Yours very truly,


CLYDE D. HALFORD.

km

*Distributed to: D. Carson, Executive Assistant to the Mayor; V. Abraham, Director of Local Planning; P. Noé Johnson, City Solicitor, A. Zuidema, Law Department, M. Main, Traffic Department, L. King, Building Commissioner, D. Lobo, Director of Public Works - 1994 JULY 11.

1a)

127 Bond Street So.,
Hamilton, Ontario,
L8S 1S9.

July 5th, 1994.

JUL 11 1994

The Chairperson and Members of the
Planning and Development Committee,
City Hall,
71 Main Street West,
Hamilton, Ontario,
L8N 3V9.

Re: File ZAC 94-10, SEQ-00050

I am deeply concerned as to what the fate of the trees will be in this application. They lessen the otherwise stark impact of industry upon a residential area, and are such a beautiful barrier that eliminates much of the noise emanating from Highway 403.

I urge your Committee to keep areas such as this one as green as possible. Please prevent commerce, which can be harshly wilful, from destroying the greenery of Hamilton.

I would have no objection to this re-zoning unless, in doing so, we are to lose these trees and other flora.

Thank you for your consideration.

Heather Halabourda

"Distributed to: D. Carson, Executive Assistant to the Mayor; V. Abraham, Director of Local Planning; P. Noé Johnson, City Solicitor, A. Zuidema, Law Department, M. Main, Traffic Department, L. King, Building Commissioner, D. Lobo, Director of Public Works - 1994 JULY 13

16

Secretary,
Planning and Development Committee,
City Hall, 71 Main St. W.,
Hamilton, Ontario,
L8N 3T4

#718-9081 Main St. W.,
Hamilton, Ontario,
L8S 1A8

JUL 13 1994

July 7 1994

RE: Application for rezoning of land to the rear of 925 Main St. W.

Dear Sir/Madam,

I am a resident of the apartment building adjacent to the land under discussion. My apartment overlooks this land and I give thanks everyday for these beautiful trees that are now threatened by this rezoning plan. These trees are large and healthy and provide a very necessary buffer to the incessant traffic noise and pollution that otherwise would make life miserable here.

I strongly object to the destruction of even a small part of this beautiful ravine area, that is home to many species of animals and birds. It is all that is left of what was once a beautiful park. Why cannot the city buy it? There are hundreds of people living in these apartments who enjoy the ravine. If the tennis courts were repaired there would be even more use.

Once again a beautiful natural area is under threat of destruction to make way for the ever growing greedy demands of land usage by the automobile.

Where does the policy of the Vision 20/20 resource group fit into this environmental destruction? Are the politicians and planners in touch at all with the agreements made by regional chairman's task force for Sustainable Development? Over and over it is emphasized that we must conserve and preserve our green spaces, and restrict development through zoning when natural areas are threatened.

Our small special pockets of natural beauty are what makes Hamilton unique and wonderful. This little pocket of nature is a microcosm of what the city represents and why in spite of all the industry and pollution, it is a great place to live.

In conclusion, I would suggest that there must be other ways for the Honda dealership to expand if they must. It would surely be cheaper in the long run to build up another story in which to house their offices, giving them more room below for cars than building retaining walls, cutting trees and using land fill to create flat space.

Let's for goodness sake be environmentally conscious about our little part of the world here, that is our first responsibility.

Yours sincerely,

D.A. Pearson

Dorothy A. Pearson

"Distributed to: D. Carson, Executive Assistant to the Mayor; V. Abraham, Director of Local Planning; P. Noé Johnson, City Solicitor, A. Zuidema, Law Department, M. Main, Traffic Department, L. King, Building Commissioner, D. Lobo, Director of Public Works - 1994 July 13

#718-981 Main St W.,
Hamilton, Ont.,
L8S 1A8

7c

Secretary
Planning and Development Committee
City Hall
71 Main St. W., Hamilton, Ont.,
L8N 3T4

JUL 13 1994

RE: Application for rezoning of lands located to the rear of
925 Main St. W., (Sterling Honda Dealership)

The proposed expansion of the current dealership infers well being for the proprietors of Sterling Honda. We can assume therefore that their presence and their product is supported by the purchasing public. In fact I am a recent customer.

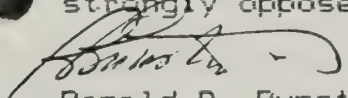
However, this organization, its investors, employees and customers live within the context of the larger community of Hamilton and the proposed territorial "horizontal" expansion as suggested by this rezoning application is contrary to the well being of ALL concerned including that of the proprietors.

Presently the package of land is a treed slope that provides a visual and ecological buffer to the harder realities of concrete, asphalt and noise. Particularly to those of us who live at 981 Main West and I'm sure to the employees of Sterling Honda as well.

If I understand the purpose of this proposed zoning change correctly, the process of construction would require the destruction of this buffer zone. This is not only out of context with the well being of all concerned it is contrary to the stated objectives and specifics of the regional Vision 2020 Plan. Perhaps this is a clear case in point where the planning committees, the citizens and the proprietors in question can seek a resolution which salvages as closely as possible all needs without rushing willy nilly to say no to the expansion needs of Sterling Honda or yes to the destruction of this important green edge to our city.

Several engineering systems are available which would be cost competitive and more suitable in the long term to resolve Sterling Hondas' desires to expand. A specific example would be a "DYCORE" style precast supported slab to create a vertical zoning space. Such an alternative would not only create more horizontal potential it would preserve that important visual and ecological context in tune with the Vision 2020 objectives.

In as much as feasible and cost competitive alternatives to the destruction of this wooded slope are available I must as a citizen strongly oppose this application in its present form.


Ronald D. Bunston.

cc. Citizens for Sustainable Development. Steering Committee, 925 Main St.
Sterling Honda.

"Distributed to: D. Carson, Executive Assistant to the Mayor; V. Abraham, Director of Local Planning; P. Noé Johnson, City Solicitor, A. Zuidema, Law Department, M. Main, Traffic Department, L. King, Building Commissioner, D. Lobo, Director of Public Works - 1994 JULY 14.



Ontario

Niagara
Escarpment
Commission

Commission de
l'escarpement
du Niagara

1d)

166 Main Street West
Grimsby, Ontario
L3M 1S3
(416) 945-9235

166, rue Main ouest
Grimsby (Ontario)
L3M 1S3
(416) 945-9235

July 11, 1994

Clerk
City of Hamilton
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Sir:

RE: Zoning By-law Amendment
No. 94-110
City of Hamilton

OFFICE OF THE CITY CLERK	
JUL 14 1994	
REC. BY	<i>ad</i>
REF'D. TO	DATE
REF'D. TO	T.A. DATE
REF'D. TO	DATE
ACTION:	F.Y.A.

The zoning by-law amendment is a general text amendment dealing with the temporary use of tents for business purposes. Municipal zoning has been suspended within the Niagara Escarpment Commission's area of Development Control, but "former" zoning is used for reference purposes when commenting on Development Permit Applications.

Please be advised that the Niagara Escarpment Commission has no objection to the proposed amendment since it will not negatively impact on the Development Control Areas or as the zoning change would not conflict with the policies of the Niagara Escarpment Plan designations represented in the City of Hamilton (i.e. Escarpment Natural Area, Escarpment Protection Area and Urban Area).

Should you have any questions or comments, please do not hesitate to contact me at (905) 945-9235.

Yours truly,

GdBoer
Gretchen de Boer
Senior Planner

GdB:JY:gdc

*Distributed to: D. Carson, Executive Assistant to the Mayor; V. Abraham, Director of Local Planning; P. Noé Johnson, City Solicitor, , M. Main, Traffic Department, L. King, Building Commissioner, D. Lobo, Director of Public Works - 1994 July 27.

1e)

323 981 Main Street West
Hamilton Ontario
L8S 1A8

13 July, 1994

JUL 20 1994

Re: ZA-94-10

Planning and Development Committee:

I am unable to attend the meeting regarding Stirling Motors request for a change in zoning for their premises on Main Street West from "E" to "H", but I should like to voice my objection to their proposed expansion.

I live at the north end of 981 Main St. W. Already we get noise, dirt and odours from this business; we don't need any more.

At present, there are large lights around this business. Those on the west side of the buildings glare into our bedroom windows and, infact, unless I close curtains or a door, they shine down my hall into the livingroom and dining room. Leaves on the trees at present help to relieve the problem, but from October until May, we shall be caught in the glare again. Expansion could result in even more lights to distress us.

According to the plan on the map sent to us, Stirling's intended construction will move south of the present fence. This would mean the destruction of trees. We need those trees, not just for aestheti purposes, but because they help to buffer us from the elements, lessen dust from Stirling Motors and Highway 403, deaden noise from both of these areas and provide homes for birds, squirrels and other small animals. Trees are the main manufacturers of oxygen which we all need to live. Every tree destroyed anywhere reduces oxygen and the cleaning of air.

Even more important than "just trees" is the stand of black locust trees behind Stirling Motors. Not only are they beautiful--there is something prehistoric about them--but I believe there are not that many of these trees in the area.

Yours truly

Joy M. Lane
(Joy M Lane)

Dear Planning Department,

AUG 12 1994

AUG 12 1994

August 8th, 1994.

1F

As a resident of the Camelot Towers Apartments beside the Sterling Honda Dealership, I would like to strongly urge the proposed change to not go through for several reasons. First of all there are simply way too many cars in the world. Second, the people living in Camelot have two options for parking in these buildings. If you live on the floors 1 to 6 you have an above ground parking space which is free, regardless of if you own a car or not. People living on floors 7 through 12 have to pay a small monthly fee of \$29.00 for a spot below ground regardless of if they are using that space or not. As a non car owner up until July 5th I had to pay \$25-\$29 a month for three years without ever using my parking spot. I will be da----- if I will let a car dealership build a parking lot when the building I live will not or can not, make more spaces for everybody in our above ground lot. Thirdly, there is the problem of the noise from the highway, never mind the view. The trees and shrubs act as a buffer to all of the people living on the south side of the 981 building. In fact it is quite pretty. Fourth, this is actually a mini sanctuary for chipmunks, rabbits, raccoons, squirrels, bird and bugs. So I would like to voice their opinions too. No way.

So as you can see for several reasons I am very much against this proposal. I do believe in progress and I am glad that Sterling Honda is doing so well but why compound the problem of a depleting ozone and an asphalt hell when it can be stopped by the small fry in the world like me. Enough said, do the small fry proud and scrunch their plans before they do some serious damage.

Sincerely,

Lauren McKinley
Lauren McKinley
981 Main Street West, 1115
Hamilton, Ontario
L8S 1A8

*Distributed to: D. Carson, Executive Assistant to the Mayor; V. Abraham, Director of Local Planning; P. Noé Johnson, City Solicitor, ~~Law Department~~, Law Department, M. Main, Traffic Department, L. King, Building Commissioner, D. Lobo, Director of Public Works - 1994 Aug 12.

PROPOSED CHANGE - FROM "E" TO "H"

PROPERTY DESCRIPTION - NO. 925 MAIN STREET WEST

I AM IN FAVOUR OF ()

OPPOSED TO (X) (PLEASE CHECK (X) WHICH)

THIS PROPOSED CHANGE IN ZONING

C/S 860 BESIDE 981 Main St W
.....
MCKINLEY LAUREN OR OCCUPANT
981 MAIN W APT 1115
HAMILTON ON

L8S 1A8

Lauren McKinley.....SIGNED

PLEASE DIRECT INQUIRIES TO

PLANNING DEPT. 546-4168

.....
FILE-ZAC-94-10 SEQ-00177



The present view from my balcony avoiding
Stirling Motors

CITY OF HAMILTON

- RECOMMENDATION -

AUG 17 1994

DATE: 1994 August 17
ZAC-94-16
Jerome Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V. J. Abraham
Director of Local Planning

SUBJECT: Request for rezoning - rear of 144 Limeridge Road East

RECOMMENDATION:

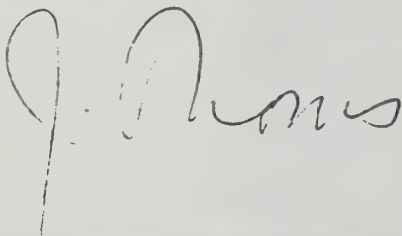
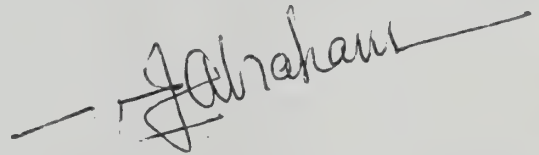
1. That approval be given to ZAC-94-16, Constantine, Anna, Mark and Victoria Skypas, Andrew and Irene Dabrowski, owners, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District to permit the development of single-family detached dwellings, on lands located at the rear of 144 Limeridge Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
 - b) That the Director of Local Planning be directed to prepare a By-law to amend Zoning By-law No. 6593 in a form satisfactory to the City Solicitor, and Zoning District Map E-9B for presentation to City Council; and,
 - c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

2. That the amending by-law not be forwarded for passage by City Council until such time as the applicant conveys a 15.0 m wide berm easement in favour of the Region along the northern limit of the subject lands adjacent to the Freeway lands to the satisfaction of the Roads Department.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for lands located at the rear of 144 Limeridge Road East, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit the development of the subject lands, in conjunction with the adjacent lands to the east facing onto Colin Crescent, for single-family detached dwellings.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant is requesting to rezone the subject lands from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District to facilitate the development of single-family detached dwellings in conjunction with the lands to the east and west.

- Applications to the Land Division Committee (H-29 to 34-94 inclusive)

The Region's Land Division Committee, on July 12, 1994, granted six severances on the subject lands which would allow for most of the lands to be joined to lands to the east to create 11 single-family lots. Further, a remnant parcel on the west was to be developed in conjunction with adjoining lands to the west. Approval of these severances were conditional upon, amongst other things, that the applicant:

- enter into a modified subdivision agreement to provide for the northerly and southerly extension of Colin Crescent. This has not been finalized to date;

- submit proof that the remnant parcel on the west is registered in the same name and title as the adjoining lands to the west; and,

- submit proof of the final approval of any necessary change in zoning (see APPENDIX "B" attached).

- Zoning Application ZAC-94-01

Zoning Application ZAC-94-01, submitted on January 19, 1994, proposes the rezoning of approximately 8.1 ha (20 acres) adjoining to the west of the subject lands from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, "C" (Urban Protected Residential, etc.) District modified and "B-2" (Suburban Residential) District. A plan of subdivision for these same lands was also submitted but is in abeyance pending authorization from one of the land owners. To date this has not been resolved and the Zoning Application is also being held in abeyance until this has been settled (see APPENDIX "C" attached).

APPLICANT:

Constantine, Anna, Mark and Victoria Skypas, Andrew and Irene Dabrowski, owners.

LOT SIZE AND AREA:

The subject property has:

- a width of 29.78 m (97.7 feet);
- a depth of 211.23 m (693 feet); and,
- a lot area of approximately 0.63 ha (1.66 acres).

LOT SIZE AND AREA:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Vacant	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	Future Freeway Lands	"AA" (Agricultural) District

to the south and west	Vacant	"AA" (Agricultural) District
to the east	Vacant and Single Family Dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated **Residential** on Schedule 'A' - Land Use Concept of the Official Plan. The following policies, amongst others, should be noted:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.
- C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
 - i) Provision and maintenance of adequate off-street parking;
- C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:
 - iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that is consistent and complements the established development pattern;
 - v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales compatible with the established development pattern;"

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Single and Double Residential (Larger Lots)" in the approved Jerome Neighbourhood Plan. The lot pattern for this area has already been established by the approved draft plan to the east in which the new lots to be created will face lots on the east side of Colin Crescent. The proposal complies with the intent of the approved Plan.

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority and the City Public Works Department have no comments or objections.

- The Traffic Department advises:

"As indicated in the application, the subject lands are intended to be developed in conjunction with the lands to the west. The lands to the west are currently being considered for rezoning under ZAC-94-01. Our comments regarding that application recommended that prior to any development a second means of access to the arterial road system be established. This comment also applies to the development of the subject lands."

- The Building Department advises:

"1. That portion of the land to remain in a "AA" zoning district must provide a lot area of 12000m²."

- The Roads Department advises:

"We have reviewed the above application and submit the following comments:

1. There are public watermains and separate storm and sanitary sewers available to service these lands.
2. In conjunction with this application, the applicant has submitted and received conditional approval for Land Severance Applications H-29-94 to H-34-94 inclusive. We have attached a copy of our comments to the Land Division Committee.

3. As a condition of development approval, the applicant must enter into appropriate (modified) subdivision agreements with the City/Region for all lands to be rezoned. Based on the conditional approval of the above Land Severance Applications, these agreements include but are not limited to the following conditions:
 - a) That the lands located to the north and south of the lands to be severed, shown as Parts 1 and 2 on the attached plan, be dedicated to the City of Hamilton, for the future establishment of Colin Crescent.
 - b) That the applicant/owner pay all servicing costs to the City/Region on the north and south flankage side of the lands to be severed. This is required to recover servicing costs for the future Colin Crescent.
 - c) That the applicant/owner establish .30m reserves on the north and west limits of Part 1, the west limit of Part 2, and the north and south limits of the remaining lands of the applicant/owner adjacent to the lands to be severed, as shown on the attached plan.
4. Since lands adjacent to the Freeway are being rezoned residential, we require that as a condition of zoning approval that a 15m berm easement be granted to the Region of Hamilton-Wentworth across the lands adjacent to the Red Hill Creek Expressway.
5. The applicant should be advised that upon development of the lands adjacent to the Expressway, the grades must be designed in such a manner that they drain away from the Expressway lands and the approval of the development grades must be received from the Special Projects Office."

COMMENTS:

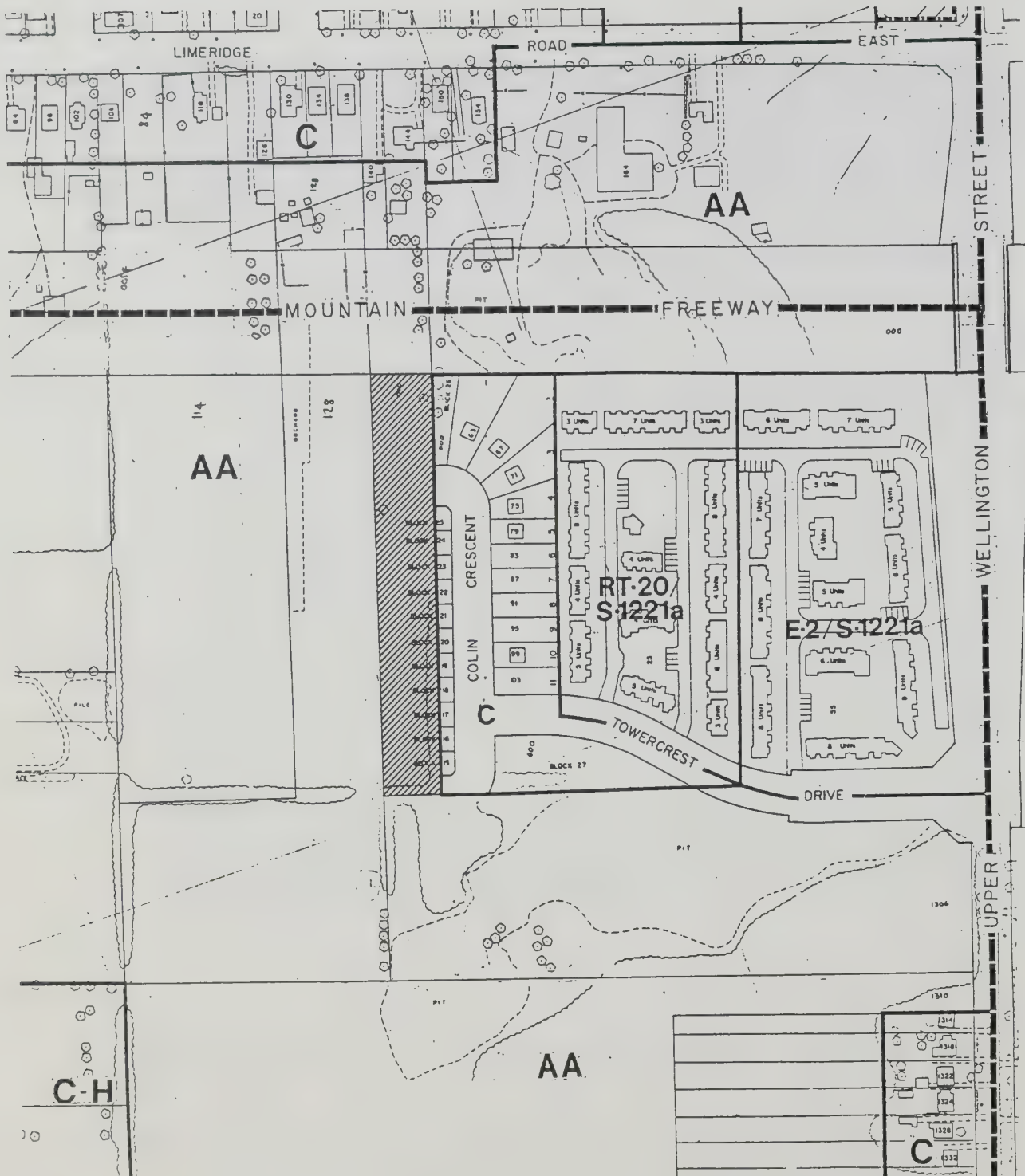
1. The proposal complies with intent of the Official Plan and the approved Jerome Neighbourhood Plan.
2. The application has merit and can be supported on the following basis:
 - it implements the intent of both the Official Plan and the approved Jerome Neighbourhood Plan; and,
 - it would be compatible with existing development to the east and planned development to the west.

3. The Roads Department advises that they require a 15 m berm easement be granted across the lands adjacent to the Red Hill Creek Freeway alignment. It should be noted that Condition 7 of the Land Division Committee approval had this same condition. The Roads Department's concern is that, should the severance lapse, then subsequent owners would not be aware of the requirements for the berm easement. On this basis, it would be appropriate to hold the by-law in abeyance pending the conveyance of this easement to the Region to the satisfaction of the Roads Department.

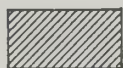
CONCLUSION:

Based on the foregoing, the application can be supported.

CLF/
94-16



Legend



Site of the Application

ZAC-94-16

COMMITTEE SKETCH
SHOWING
LOT 13-CONCESSION 7
GEOGRAPHIC TOWNSHIP OF BARTON
N.W. 1/4

CITY OF HAMILTON

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE = 1 : 750
0 10 20 30 40 metres

B.J. CLARKE O.L.S.

FILE NO: H-30-94

H-31-94

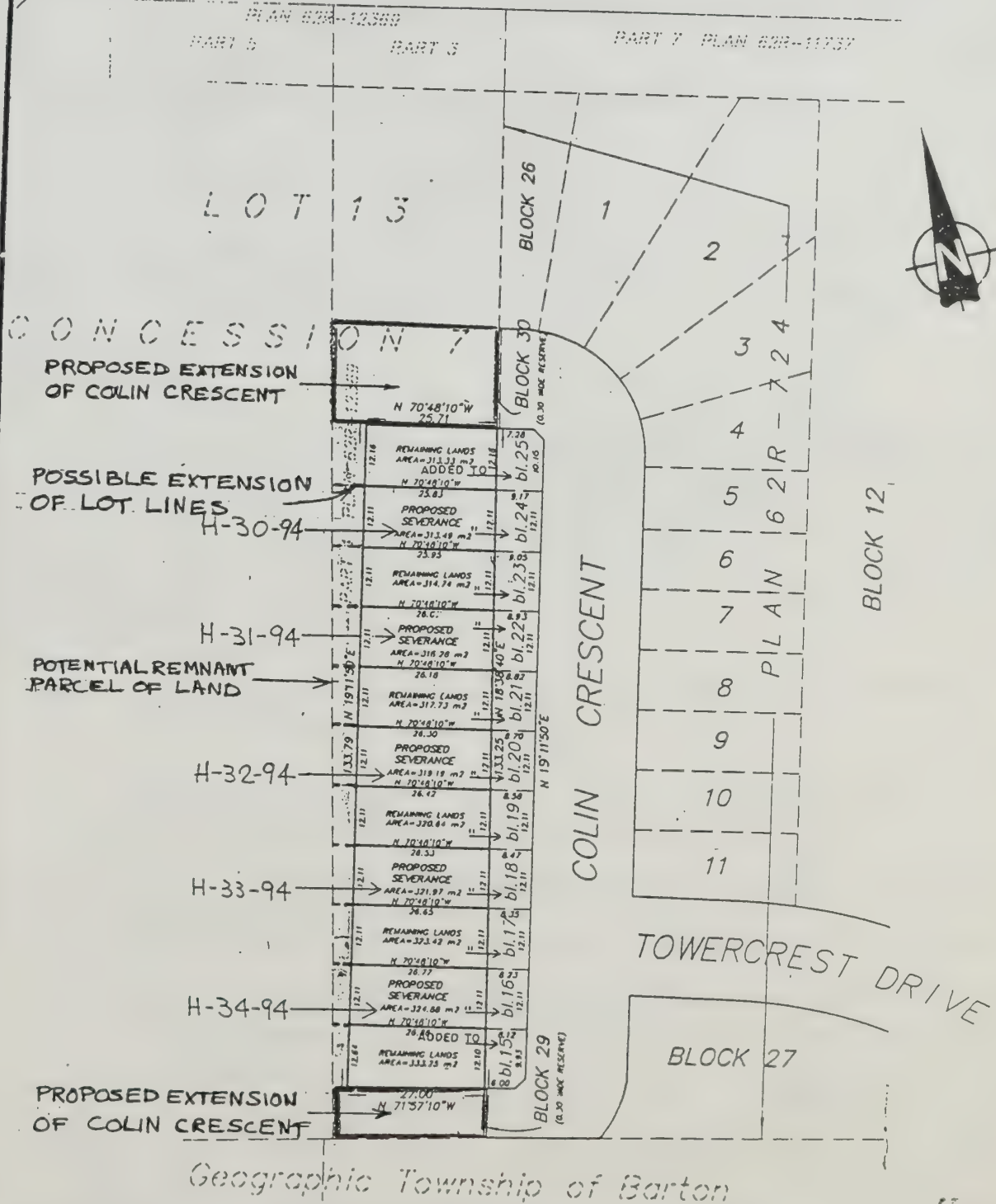
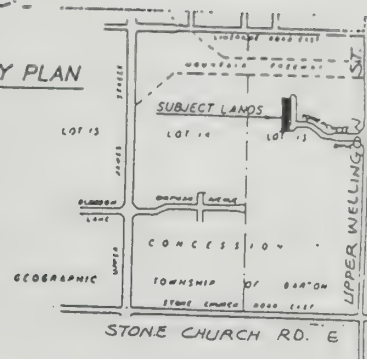
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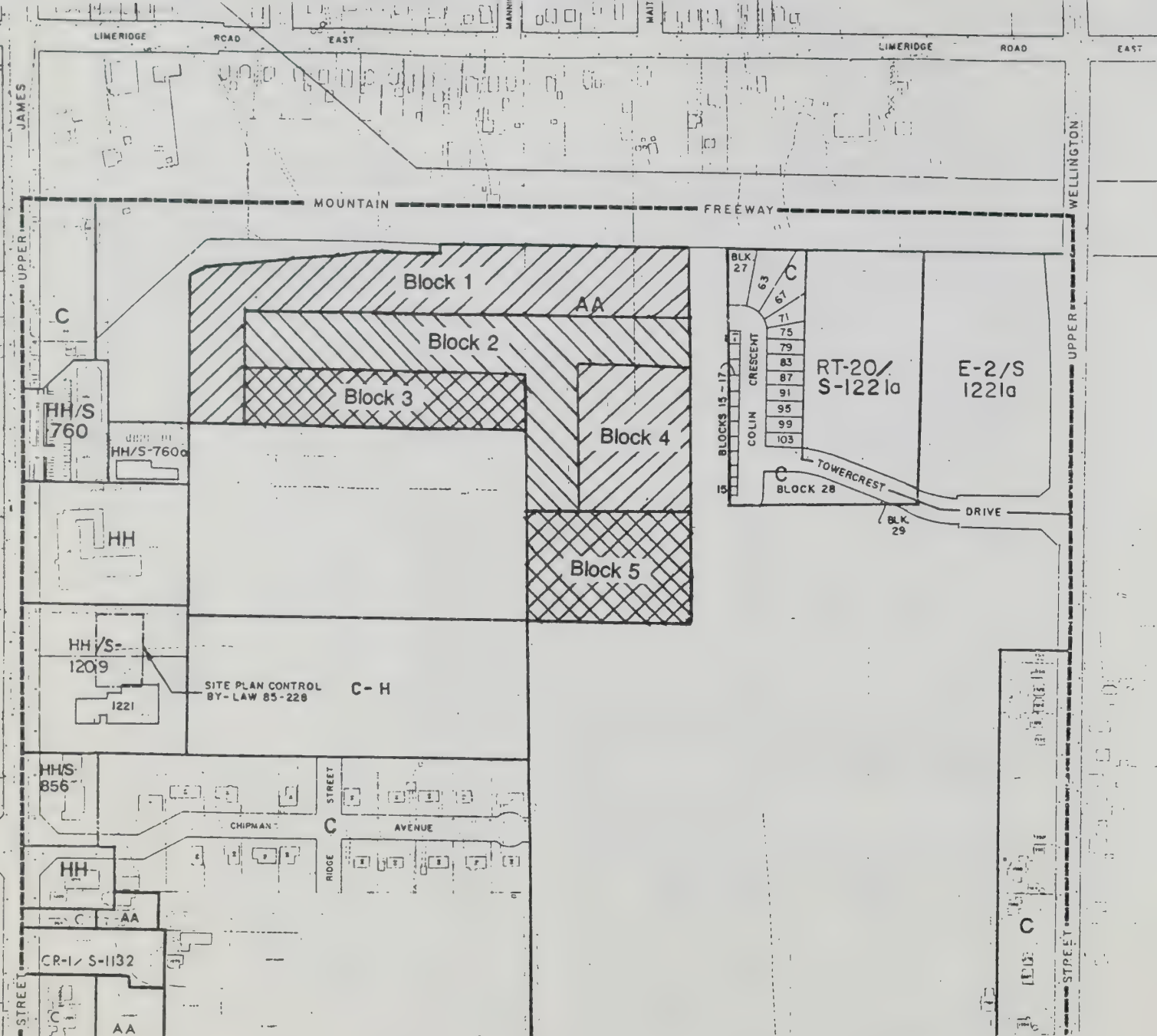
H-33-94

H-34-94

DATE: JUNE 7, 1994

KEY PLAN





Legend

Proposed Changes in zoning from "AA" (Agricultural) District to:

Blocks "1"
and "4"



"C" (Urban Protected Residential, etc.) District

Block "2"



"C" (Urban Protected Residential, etc.) District, modified

Blocks "3"
and "5"



"B-2" (Suburban Residential) District



ZAC-94-01

CITY OF HAMILTON**- RECOMMENDATION -**

DATE: 1994 August 15
ZAC-94-08
Beasley Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V. J. Abraham
Director of Local Planning

SUBJECT: Request for a change in zoning for lands located at No. 153
Cathcart Street, No. 194 Barton Street East and Nos. 174,
180 and 186 Ferguson Avenue North.

RECOMMENDATION:

1. That approval be given to amended Zoning Application 94-08, Canadian National Railway Company, c/o CN Real Estate, owner, requesting changes in zoning from "JJ" (Restricted Light Industrial) District to "CR-2" (Commercial-Residential) District, modified for Block "1", and to "DE-2" (Multiple Dwellings) District, modified for Block "2", for lands located at No. 153 Cathcart Street, No. 194 Barton Street East and Nos. 174, 180 and 186 Ferguson Avenue North, shown as Blocks "1" and "2", on the attached map marked as APPENDIX "A", on the following basis:
 - a) That Block "1" be rezoned from "JJ" (Restricted Light Industrial) District to "CR-2" (Commercial-Residential) District;
 - b) That Block "2" be rezoned from "JJ" (Restricted Light Industrial) District to "DE-2" (Multiple Dwellings) District;
 - c) That the "CR-2" (Commercial-Residential) District regulations as contained in Section 15B of Zoning By-law No. 6593, applicable to Block "1" of the subject property be modified to include the following variances as special requirements:
 - i) Notwithstanding Section 15B.(8)(b) of Zoning By-law No. 6593, no building or structure shall exceed eight (8) storeys or 26.0 metres (85.30 feet) in height;

- ii) Notwithstanding Section 15B.(9) and (11) of Zoning By-law No. 6593, a minimum westerly side yard depth of 3.0 m shall be provided and maintained on the subject lands;
 - iii) Notwithstanding Section 15B.(9)(a) and 11(a) of Zoning By-law No. 6593, a front yard not less than 5.0 m in depth shall be provided and maintained from the widened limits of Barton Street East for any portion of the building above two (2) storeys in height;
 - iv) Notwithstanding Section 15B.(16)(a) of Zoning By-law No. 6593, a building or structure comprised of a joint residential use and commercial use, shall have a gross floor area of not more than the product of area of the lot in the district in which it is situated multiplied by a floor area ratio factor of 2.25;
 - v) Notwithstanding Section 15B.(16)(b) of Zoning By-law No. 6593, the residential portion of a joint residential use and commercial use, shall have a gross floor area of not more than the product of the area of the lot in the district in which it is situated multiplied by the floor area ratio factor of 1.7;
- d) That the "DE-2" (Multiple Dwellings) District regulations as contained in Section 10B of Zoning By-law No. 6593, applicable to Block "2" of the subject property be modified to include the following variances as special requirements:
- i) Notwithstanding Section 10B(1) of By-law No. 6593, townhouse units subject to the "RT-20" District provisions of Section 10E shall be permitted on the subject lands;
 - ii) Notwithstanding Section 10B.(2) of Zoning By-law No. 6593, no building or structure shall exceed four (4) storeys or 17.0 metres (55.77 feet) in height;
 - iii) Notwithstanding Section 10B.(3)(i)(b) of Zoning By-law No. 6593, a minimum front yard depth of 3.0 m shall be provided and maintained on the subject lands;
 - iv) No individual access driveways for townhouses shall be permitted from Ferguson Avenue North;
- e) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-3 be notated S- ;

- f) That the City Solicitor be directed to prepare a By-law to amend By-law No. 6593 and Zoning District Map E-3 for presentation to City Council; and,
 - g) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.
2. That final Site Plan Approval be withheld until the municipality is notified by the Ministry of Environment that the decommissioning process has been satisfactorily completed.

EXPLANATORY NOTE:

The purpose of the by-law is to provide for changes in zoning for lands located at No. 153 Cathcart Street, No. 194 Barton Street East and Nos. 174, 180 and 186 Ferguson Avenue North, as shown on the attached map, on the following basis:

- Block "1" - Change in zoning from "JJ" (Restricted Light Industrial) District to "CR-2" (Commercial-Residential) District; and,
- Block "2" - Change in zoning from "JJ" (Restricted Light Industrial) District to "DE-2" (Multiple Dwellings) District.

The effect of the By-law is to allow the development of the subject lands as follows:

- Block "1" - a maximum eight (8) storey mixed commercial-residential building;
- Block "2" - maximum four (4) storey apartment buildings and three (3) storey townhouses.

In addition, the By-law provides for the following variances as special requirements:

- Block "1"
 - Restricts buildings or structures to a maximum of eight storeys or 26.0 metres (85.30 feet) in height, whereas eighteen storeys or 57.0 metres (187.01 feet) is permitted;
 - Requires a minimum westerly side yard depth of 3.0 m to be provided and maintained on the subject lands, whereas 9.0 m is required;
 - Requires a front yard not less than 5.0 m in depth along Barton Street East for any portion of the building above two (2) storeys in height;
 - Restricts the floor area ratio of a joint commercial/residential development to 2.25 overall, whereas a 4.25 ratio is permitted; and,

- Restricts the floor area ratio of the residential portion to 1.7, whereas a 2.55 ratio is permitted .

- Block "2"

- Permits townhouse units subject to the "RT-20" District provisions of Section 10E of Zoning By-law No. 6593;
- Permits a minimum front yard setback of 3.0 m along Ferguson Avenue North, whereas 6.0 m is required;
- No individual access driveways for townhouses shall be permitted from Ferguson Avenue North.

V. J. Jahraani

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant has applied for changes in zoning from "JJ" (Restricted Light Industrial) District to "CR-2" (Commercial-Residential) District, modified for Block "1", and to "DE-2" (Multiple Dwellings) District, modified for Block "2", for lands located at No. 153 Cathcart Street, No. 194 Barton Street East and Nos. 174, 180 and 186 Ferguson Avenue North, shown as Blocks "1" and "2", on the attached map marked as APPENDIX "A".

The applicant proposes to develop Block "1" as a maximum eight (8) storey mixed commercial-residential building. However, two (2) concept plans have been prepared for Block "2" (see APPENDIX "B" & "C") as follows:

- APPENDIX "B", (Schedule "3") - shows a 55 unit townhouse complex, three (3) storeys in height.
- APPENDIX "C", (Schedule "4") - shows 23 street townhouse units and two (2), 4 storey apartment buildings.

CN Real Estate held discussions with Hamilton's Municipal Non-Profit Housing Corporation (MNHHC) regarding this property. MNHHC has expressed an interest in purchasing the site for townhouses and stacked townhouse uses, as per APPENDIX "B", Schedule "3".

APPLICANT:

Canadian National Railway Company, c/o CN Real Estate, owner.

LOT SIZE AND AREA:

- 302.02 m (990.87) of frontage on Ferguson Avenue North;
- 87.38 m (286.67) of frontage on Barton Street East;
- Irregular lot, depth of lot varies;
- 18,699.99 m² (4.62 acres) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Vacant	"JJ" (Restricted Light Industrial) District, modified
<u>Surrounding Lands</u>		
to the north	Industrial	"K" (Heavy Industry, etc.) District
to the east and south	Industrial	"JJ" (Restricted Light Industrial) District, modified
to the west	Vacant	"H" (Community Shopping and Commercial) District, modified, "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified

OFFICIAL PLAN:

The subject lands are designated **Central Policy Area** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

- "A.2.8.1 To promote the CENTRAL POLICY AREA as a multi-use node for both the City and the Region, a wide range of uses will be permitted where compatibility among adjacent uses can be achieved. The primary uses permitted in the CENTRAL

POLICY AREA, as shown on Schedule "A", will be for the following uses:

- i) Commercial Uses such as, but not limited to, retail department stores; food, specialty and general merchandising establishments; personal services; head and branch offices and public administration offices; hotels; mixed commercial and residential uses; and in keeping with the Commercial policies set out in Subsection A.2.2 of this Plan; and,
- ii) Residential Uses of various housing types, including, but not limited to, single-family detached, semi-detached, townhouses and apartments, and in keeping with the Residential policies set out primarily in Subsection A.2.9.3, as well as in Subsections A.2.1 and C.7 of this plan."

The subject lands are also located within Special Policy Area 3 on Schedule B - Special Policy Areas of the Official Plan. Accordingly, the following policy of Subsection A.2.9.3 - Other Policy Areas should be noted:

- "A.2.9.3.1 The future viability and health of the Central Policy Area will be largely dependent on the quality and suitability of Residential opportunities in close proximity to the downtown. Accordingly, the following policies to promote and protect housing within the area shown as SPECIAL POLICY AREA 3 on Schedule "B" will apply in addition to all the Residential policies of Subsections A.2.1 and C.7, and Policy A.2.8.1(ii);
- i) It is the intent of Council to strengthen the Residential function of this AREA to complement the multi-use nature of the Central Policy Area, to foster a wider choice in housing opportunities for all residents of the City, and to increase the resident population;
 - ii) Further to the above, a wide variety of densities, unit sizes, building styles, incomes and household groups will be accommodated. Housing suitable for families, the physically disabled, and senior citizens will be particularly encouraged;
 - iii) Council will encourage the relocation of non-Residential uses from predominantly stable Residential areas where the impacts of such use(s) cannot be effectively mitigated by means of, but not limited to, landscaping and buffering, building orientation and alterations to traffic flows;
 - v) It is intended that Residential development or redevelopment be at a scale, density and bulk compatible with the established character of the surrounding uses;
 - vi) Council will require, when considering a proposed high-density Residential development or redevelopment in this AREA, the provision of the maximum

useable open space on-site;

- vii) Council will encourage high-density Residential developments or redevelopments which utilize innovative design alternatives to the "high-rise" apartment structure, while maintaining desirable standards for bulk, setbacks and landscaping;
- viii) Council will encourage mixed Commercial/Residential developments or redevelopments within the Central Policy Area and Commercial areas of SPECIAL POLICY AREA 3, subject to the General Provisions of Subsection A.2.2; and,
- xi) Priority should be given to providing a network of parks and pathways, throughout this AREA and linking the Central Policy Area, to give pedestrians and cyclists a convenient way to move about."

In addition, the following policies of Subsection A.2.2 - Commercial Uses should be noted:

- "A.2.2.29 Major structures containing both residences and COMMERCIAL Uses, including offices primarily intended to offer goods and services to persons other than the residential occupants thereof, will be deemed to be mixed COMMERCIAL/RESIDENTIAL. Such uses may be permitted in areas designated COMMERCIAL provided that they have been identified in the Neighbourhood Plan and satisfy the following provisions:
- i) Amenity spaces will be provided exclusively for the Residential component and will be functionally separated from public areas associated with the COMMERCIAL component;
 - ii) Prior to any approval for proposed COMMERCIAL/RESIDENTIAL development, Council will be satisfied that any impacts emanating from the COMMERCIAL component which will detract from the amenity of the associated Residential Uses will be minimized;
 - iii) Customer parking areas associated with the COMMERCIAL component will preferably be physically separated from such areas provided for the Residential Uses and, in any instance, their use will not interfere with the safe and efficient use of Residential parking areas; and,
 - iv) Council will be satisfied that existing engineering services, school facilities, parks and similar community facilities are, or may feasibly be made to be, adequate to serve the residents of proposed COMMERCIAL/RESIDENTIAL development prior to any approval being given."

Further, the following policies of Subsection C.7 - Residential Environment and Housing Policy should also be noted:

"C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

- i) Provision and maintenance of adequate off-street parking;
- iii) Improvement and maintenance of street landscaping;
- iv) Acquisition, removal or improvement of buildings or uses incompatible with a zoning district; and,
- vii) The maintenance of adequate separation distances and the placement of buffering features between RESIDENTIAL and Industrial Uses.

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

- iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that is consistent and complements the established development pattern;
- v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales compatible with the established development pattern;
- vi) Support new RESIDENTIAL development that provides tenure options and a range of prices/rents for new dwellings that will be "affordable" to Hamilton residents;
- vii) Encourage non-profit and co-operative housing organizations to provide a range of socially-assisted dwelling units for a variety of client types, in all areas of the City, at densities and scales compatible with the established development pattern; and,
- ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents."

The subject lands are part of a larger area where "Light Industrial" uses had been operating for some time. Accordingly, the following policies of Subsection C.4 - Pollution should be noted:

"C.4.9 Council recognizes the Ministry of Environment and Energy's concerns regarding the potential for contamination of soils and supports its efforts for the decommissioning of such sites. Accordingly, where the development/redevelopment is proposed for lands currently or previously known to be used for industrial, transportation or utility purposes Council will, in the consideration of an amendment application to this Plan and/or the implementing zoning by-law:

- i) require the proponents to submit to the Ministry of Environment and Energy, in accordance with that Ministry's requirements, a professional analysis of soils on the site determining the presence, type(s) and concentration of contaminants which may be hazardous to the environment and/or to human health as a prerequisite of development or redevelopment. Determination of contaminants for which analysis will be conducted will be based upon all present and previous uses of the site.

If the analysis identifies the presence of contaminants at concentrations above background levels, the Ministry will require the proponent to formulate and implement a remedial action plan in accordance with the Ministry's Guidelines for the Decommissioning and Clean-Up of Sites in Ontario, (as may be amended). This plan will be submitted to the Ministry for approval;

- ii) ensure that, where remedial action plans are required by the Ministry of Environment and Energy, no development will take place until notification is received from the Ministry that the decommissioning process has been satisfactorily completed. In this regard, Council will utilize means such as Site Plan Approval, the "H" (Holding zone provision), etc., as a means to prohibit development; and,
- iii) require, in accordance with Ministry requirements, the proponent to submit documentation on previous uses of the property with the application for development/redevelopment to the City for circulation to the Ministry."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The proposal conflicts with the Beasley Neighbourhood Plan. If approved, a redesignation would be required for a portion of Block "1" from "MEDIUM DENSITY APARTMENTS" and "LOW DENSITY HOUSING" to "COMMERCIAL AND APARTMENTS", and Block "2" from "MEDIUM DENSITY APARTMENTS" and "LOW DENSITY HOUSING" to "ATTACHED HOUSING" (APPENDIX "B"), or from "MEDIUM DENSITY APARTMENTS" to "ATTACHED HOUSING" and "LOW DENSITY HOUSING" to "MEDIUM DENSITY APARTMENTS" (APPENDIX "C").

The applicant has advised that it is not known at this point in time which development concept will be pursued (i.e. APPENDIX "B", Schedule 3 or APPENDIX "C", Schedule 4). Thus, the above-mentioned Neighbourhood Plan amendments will be done as a housekeeping amendment

when development plans are submitted for Site Plan Approval.

RESULTS OF CIRCULARIZATION:

- The following Agencies have no comment or objection:
 - Union Gas; and,
 - Hamilton Region Conservation Authority.

- The Ministry of the Environment has advised:

"The Ministry of Environment and Energy has reviewed the above-mentioned proposal for a zone change, and wishes to make the following comments.

It is understood that rezoning would change the lands use from "JJ" (Restricted Light Industrial) to "CR-2 (Commercial Residential) and "DE-2" (Multiple Dwellings) to facilitate the development of residential apartments, doctor's offices and a medical clinic.

As you are aware, the site is the former location of the Barton Truck and Trailer Service Limited and has found to be contaminated (VOCs, petroleum hydrocarbons, cinder material, high pH levels). Based upon the contamination results, the proponent's consultant Trow Consulting Engineers Ltd. has prepared a decommissioning report entitled:

Final Remedial Work Plan
CN Real Estate Property
Barton and Ferguson Site
Hamilton, Ontario
(February 18, 1994)

Staff have reviewed the Phase II report and are in agreement with the recommended remedial work program. Nevertheless, the Ministry is concerned that any form of construction, including grading, not take place until we have verified that the site clean-up is complete and to our satisfaction.

Therefore, the Ministry of Environment and Energy has no objection to the approval of zone change application No. 94-08 subject to the use of the holding symbol "H", pursuant to Section 36 of the Planning Act. The holding provision should apply until the municipality is notified by the Ministry that a verification sampling program has been completed, and that the site has been made suitable for the proposed new use. The Ministry suggests the use of the following wording be applied to the holding provision:

"The holding symbol shall not be removed until the Ministry of Environment and Energy has issued written confirmation to CN Real Estate and the City of

Hamilton that the site has been decommissioned to the satisfaction of the Ministry."

However, based upon discussion with yourself and Laurie Arron, CN Real Estate, the Ministry would be willing to consider the use of other planning instruments (eg. zoning conditions) which would prohibit construction on the subject lands until the Ministry has verified that the site is decommissioned in accordance with our "Guidelines for the Decommissioning and Cleanup of Sites in Ontario" (February 1989)."

- The Building Department has advised:

"Block "1" - CR-2 District

1. No concept drawings have been submitted to determine compliance to all requirements of Zoning By-law 6593.

Block "2" - DE-2 District

1. Townhouses are not permitted in the DE-2 district.
2. A building that contains one dwelling unit above another dwelling unit is not a townhouse but a multiple dwelling.
3. Detailed concept drawings will be required to determine compliance to all requirements of Zoning By-law 6593."

- The Roads Department has advised:

- "1. There are public watermains and combined storm and sanitary sewers available to service these lands.
2. According to our records, the existing road allowance width of Ferguson Ave. is 24.38m. Therefore, we do not anticipate any further road allowance widenings on Ferguson Avenue at this time.
3. The existing and designated road allowance width of Barton Street is 20.12 m. We are presently reviewing this designation in view of the recent development proposals in this area. The slight widening of the existing pavement to improve the current four lane cross section and the widening of the painted median for left turn vehicle storage and pedestrian refuge, providing wider municipal sidewalk etc. should be considered. The applicant is requesting that the setback adjacent to Barton Street be reduced to 2m to provide for sidewalks. We recommend that as a condition of development approval that the applicant dedicate a 3.048 m strip of land, adjacent to Barton Street, to the Region for road widening purposes. With

this road widening dedication to the Region, we could support a reduction in the required zoning set back from the Barton Street road allowance, as widened.

4. The detailed construction drawings for Ferguson Ave. between Cannon Street and Barton Street have not been finalized to date. Therefore the applicant should also be advised that as a condition of site plan approval, a daylight triangle may be required for road widening purposes at the intersection of Ferguson Ave. and Barton Street. The dimensions of the daylight triangle will be specified at such time as road construction plans are finalized and/or the site plans are submitted.
 5. The applicant has not provided detailed or conceptual plans for the proposed commercial/residential development adjacent to Barton Street. It is our opinion that a conceptual plan should be submitted to ensure our concerns with respect to access location and sight lines, setbacks, vision triangles, etc are addressed. At this time, we suggest that access to the site be provided from Ferguson Avenue only at this time.
 6. According to our records, the Cathcart Street road allowance, south of Barton Street is owned by the City of Hamilton. Since the rail line is no longer in use, it is our opinion that the redevelopment of the adjacent lands should also include the restoration of the Cathcart Street road allowance. The applicant may wish to approach the City of Hamilton to determine whether the road allowance is still required and whether it can be closed and sold.
 7. The conceptual site plan submitted by the applicant indicates proposed townhouse development with direct access to Ferguson Ave. We understand that the Planning and Development Committee has approved the functional design concept for this section of Ferguson Ave. and that these individual direct townhouse accesses to Ferguson Ave. will have a significant impact on the design recently approved. These matters should be resolved prior to approval of this application."
- The Traffic Department has verbally advised that they find the amended application, satisfactory and has no further comments.

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal conflicts with the approved Beasley Neighbourhood Plan. If approved, a redesignation would be required for a portion of Block "1" from "MEDIUM DENSITY APARTMENTS" and "LOW DENSITY HOUSING" to "COMMERCIAL AND APARTMENTS", and for Block "2" from "MEDIUM DENSITY APARTMENTS" and "LOW DENSITY HOUSING" to "ATTACHED HOUSING" (APPENDIX "B"), or from "MEDIUM DENSITY APARTMENTS" to "ATTACHED HOUSING" and "LOW DENSITY HOUSING" to "MEDIUM DENSITY APARTMENTS" (APPENDIX "C").

The applicant has advised that it is not known at this point in time which development concept will be pursued (i.e. APPENDIX "B", Schedule 3 or APPENDIX "C", Schedule 4). Thus, the above-mentioned Neighbourhood Plan amendments will be done as a housekeeping amendment when development plans are submitted for Site Plan Approval.

3. The proposal has merit and can be supported for the following reasons:

- It complies with the intent of the Official Plan;
- It would be compatible with existing and proposed development in the area comprised of future townhousing and apartment housing to the west, and single-family homes to the south and the east. In this regard the building heights will be restricted to achieve compatibility with existing and proposed development;
- It is suitably located on a major road (i.e. Barton Street East) thereby providing access to public transit; and,
- It would provide for new townhousing and apartments in close proximity to the downtown which is in short supply, and provide the opportunity for affordable housing.

4. Approval of the amended application will be subject to the following special requirements:

Block "1"

- Yards

A minimum front yard requirement of not less than 5.0 m in depth along Barton Street East for any portion of the building above two (2) storeys in height, whether it be residential or commercial. This setback will require any building or structure to be stepped back from the street, thus reducing the impact of the built form and creating a desirable streetscape.

A westerly side yard width of 3.0 m minimum will be provided along Ferguson Avenue whereas 9.0 m is required. The 3.0 m side yard is consistent with the setback proposed for Block "2" and allowable frontyards setbacks in the area (i.e. Carter Square), thus allowing a uniform building setback to be achieved on Ferguson Avenue.

- Building Height

The maximum height of buildings and structures permitted in the "CR-2" District is eighteen (18) storeys. A limitation of eight (8) storeys as proposed is in keeping with existing and future residential development and complies with the intent of the Beasley Neighbourhood Plan.

- Density

The floor area ratio of a joint commercial/residential development will be limited to 2.25 x the lot area overall and 1.7 x the lot area for the residential portion as proposed, whereas the "CR-2" District typically permits 4.25 x lot area overall and 2.55 x lot area for the residential portion given the lot area. The proposed density is in keeping with future residential development in the area (i.e. Carter Square).

Block "2"

- Permitted Uses

Townhouse units subject to the "RT-20" District provisions of Section 10E have been added as a permitted use to provide a variety of housing types. Prior to the passing of By-law No. 93-161 townhouses were permitted as-of-right in the "DE" Districts.

- Yards

A minimum front yard setback of 3.0 m along Ferguson Avenue will be permitted whereas 6.0 m is required. This setback is consistent with allowable frontyard setbacks in the area (i.e. Carter Square) and will allow parking to be achieved at the rear of the proposed Townhouses (see APPENDIX "B" and "C").

- Access Driveways

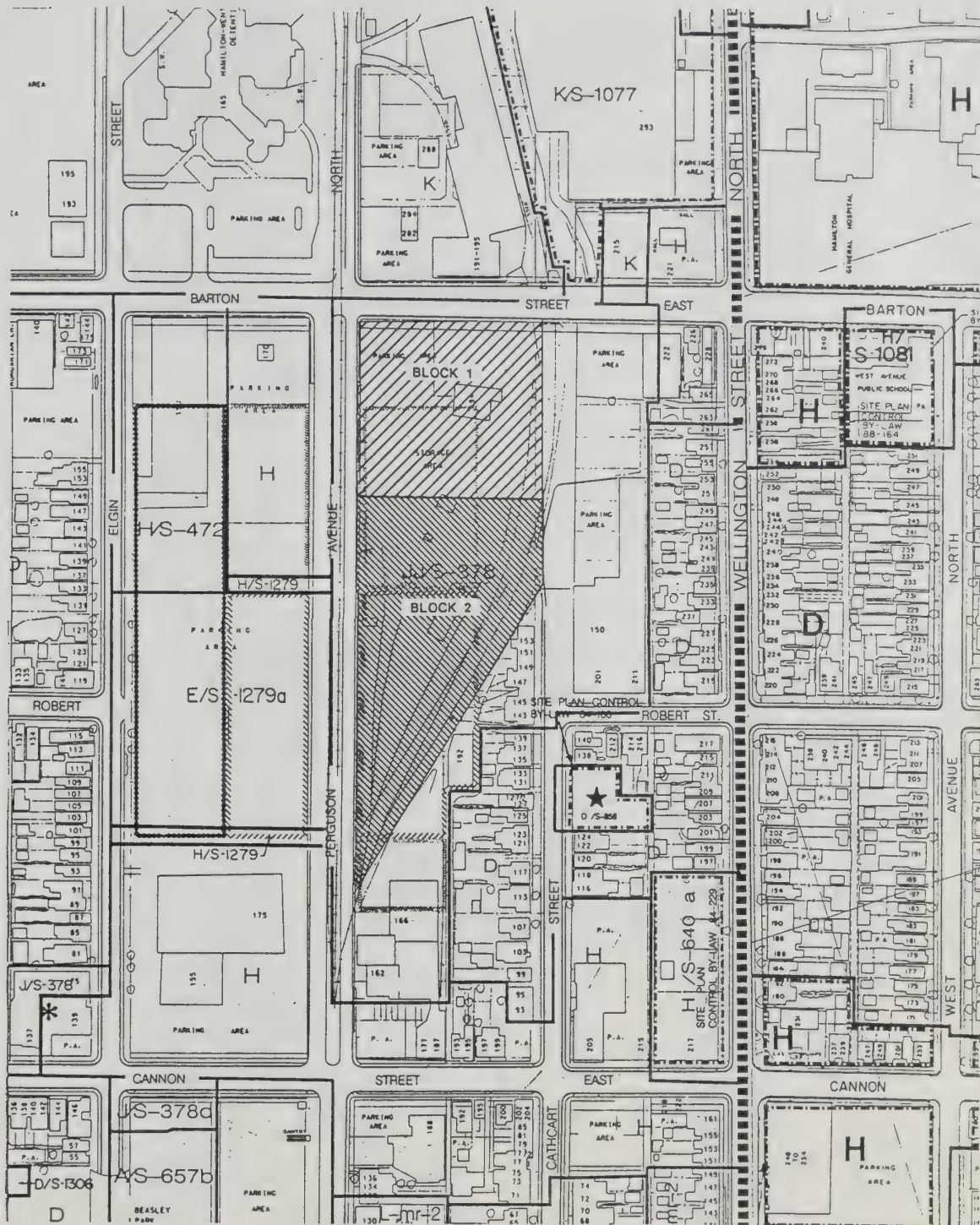
In order to achieve one of the objectives of the Ferguson Avenue Master Plan, to maintain a relatively uninterrupted boulevard (i.e. road allowance), it has been proposed to limit access to Block "2" to common access driveways as shown on APPENDIX "B" and "C".

4. The "CR-2" (Commercial-Residential) District and "DE-2" (Multiple Dwellings) District is subject to Site Plan Control By-law No. 79-275 as amended by By-law 87-223. In this regard, matters related to road widenings, access, fencing, grading, landscaping etc. will be addressed at the site plan control stage of development.

The Ministry of the Environment has advised that, to-date, the decommissioning process and clean up of on-site soil contaminants has not been completed. In this regard, as per Official Plan Policy C.4.9, final Site Plan Approval should be withheld until the municipality is notified by the Ministry of Environment that the decommissioning process has been satisfactorily completed.

CONCLUSION:

Based on the foregoing, the proposal as amended can be supported.



Legend

Proposed Change in zoning from "JJ" (Restricted Light Industrial) District, modified to:

Block "1"



"CR-2" (Commercial Residential) District, modified

Block "2"



"DE-2" (Multiple Dwellings) District, modified



ZAC-94-08

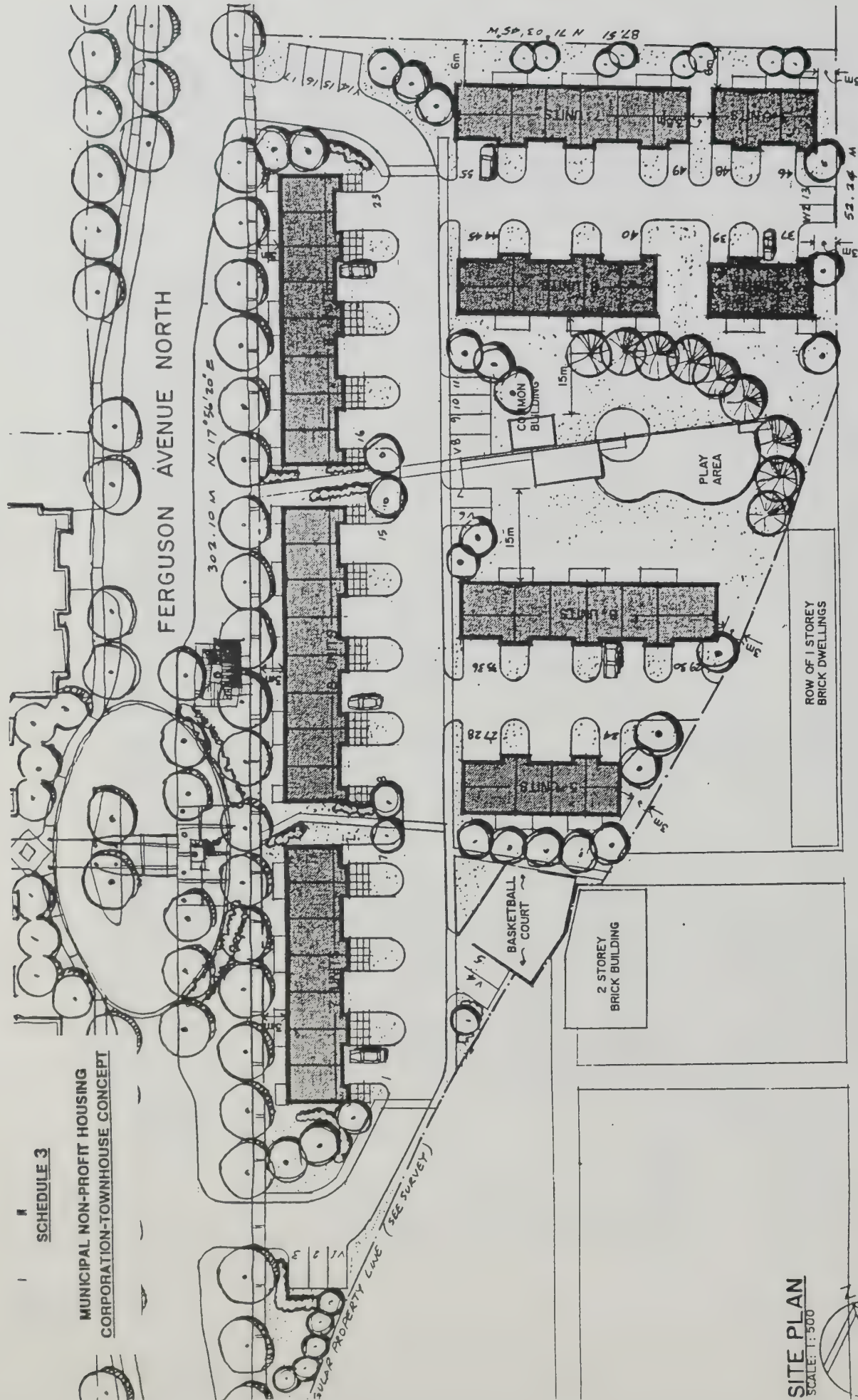
SCHEDULE 3

**MUNICIPAL NON-PROFIT HOUSING
CORPORATION-TOWNHOUSE CONCEPT**

FERGUSON AVENUE NORTH

302.10 M N 17°56'20"E

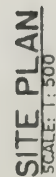
3000 PROPERTY LINE (SEE SURVEY)



SITE PLAN
SCALE: 1:500



ALTERNATIVE CONCEPT PLAN



5007 17 1771
"Distributed to: D. Carson, Executive Assistant to the Mayor; V. Abraham, Director of Local Planning; P. Noé Johnson, City Solicitor, A. Zuidema, Law Department, M. Main, Traffic Department, L. King, Building Commissioner, D. Lobo, Director of Public Works - 1994 JULY 5

TO BE DEALT WITH

FORTH WITH

3a)

TO PLANNING AND DEVELOPMENT DEPT.

REFER TO FILE NO. ZAC-94-08

WE THE UNDER SIGNED APPOSE

THE PROPOSED ZONING CHANGE WITH

REGARD TO THE ABOVE-FILE NO. ZAC-94-08

INSTRUMENT NO. 190509 AB.

SIGNED

FOR

THE

HOLDERS- Alexander Alecksoff

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 August 16
ZAC-94-11
Bartonville Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

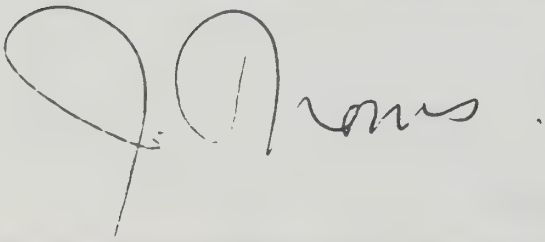
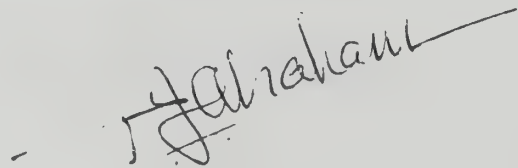
Mr. V. J. Abraham
Director of Local Planning

SUBJECT: Request for modifications in zoning - 1500 and 1502 Main
Street East

RECOMMENDATION:

1. That Zoning Application ZAC-94-11, Roy Gordon Smith in Trust, owner, requesting a modification to the "H" (Community Shopping and Commercial, etc.) District regulations for Block "1", and the "C" (Urban Protected Residential, etc.) District regulations for Block "2", to permit the development of a residential care facility (retirement home) for 98 senior citizens, for property located at 1500 and 1502 Main Street East, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:
 - a) the proposal conflicts with the intent of the Official Plan as it is incompatible with and does not integrate with the adjacent established single-family development;
 - b) it represents an over intensification of development on the subject lands;

- c) one of the prime goals of the Residential Care Facilities By-law is to provide the residents of such facilities with an opportunity to live in an environment that closely approximates a family situation. For this reason, the Residential Care Facilities By-law set specific limits in each zoning district to protect the residential nature of such facilities. In this regard, the "H" District permits a maximum of 20 residents and the "C" District permits a maximum of six residents; and,
- d) approval of the application would encourage other similar applications which, if approved, would undermine the intent and philosophy of the by-law.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant is proposing to develop the subject lands with a two storey residential care facility (retirement home) for 98 senior citizens with a total of 20 parking spaces (see APPENDIX "B" attached). The applicant has indicated that this facility is to be operated by the operators of Montgomery Lodge at 1605 Main Street East which has an approved capacity of 30 residents (Ontario Municipal Board decision dated July 9, 1993).

- Zoning Application ZA-90-26

City Council, at its meeting of June 26, 1990, denied an application to rezone the rear portion of the subject lands from "C" (Urban Protected Residential, etc.) District to "G-3" (Public Parking Lots) District for the following reasons:

- "it conflicts with the intent of the Official Plan which designates the lands for "Residential" uses;
- it would provide for an undesirable extension of a commercial use into an established residential area;

- it would be incompatible and out of character with established residential development in the surrounding area; and,
- approval of the application may encourage other similar applications which, if approved, could alter the character of the established residential area."

The applicant appealed Council's decision to the Ontario Municipal Board. The Board, in a decision dated January 13, 1993, dismissed the appeal.

APPLICANT:

Roy Gordon Smith In Trust, owner.

LOT SIZE AND AREA:

The subject lands have:

- a frontage of 30.25 m (100 feet) on Main Street East;
- a depth of 143.56 m (490 feet); and,
- a lot area of approximately 3266 m² (35,158 feet²).

LAND USE AND ZONING:

	<u>Existing Land Uses</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Used Car Dealership and Vacant	"H" (Community Shopping and Commercial, etc.) District and "C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north	Commercial Uses	"H" (Community Shopping and Commercial, etc.) District

to the east and west	Single Family Dwellings	"H" (Community Shopping and Commercial, etc.) District and "C" (Urban Protected Residential, etc.) District
to the south	Single Family Dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The front portion of the subject lands (Block 1) are designated **Commercial** and the rear portion (Block 2) is designated **Residential** on Schedule 'A' - Land Use Concept of the Official Plan. The following policies, amongst others, apply:

- "A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities. In addition to the primary permitted uses, the following may be permitted within COMMERCIAL areas provided that they have been designated in the Neighbourhood Plan:
- ii) Institutional Uses, regardless of site area and, in accordance with the provisions of Subsection A.2.6 of this Plan.
- A.2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:
- i) "Ribbon" Commercial uses on smaller lots serving predominantly residents and pedestrians in the vicinity, with some specialized Commercial uses attracting automobile borne traffic from beyond the local area; and,
- A.2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:
- ii) Schools, churches and similar institutional uses less than .4 hectare in size, in accordance with the provisions for Major Institutional Uses as set out in Subsection A.2.6 of this Plan;

- A.2.6.1 The primary uses permitted in the areas exceeding .4 hectare in size designated on Schedule "A" as MAJOR INSTITUTIONAL, will consist of cultural facilities, health, welfare, educational, religious, and governmental activities and related uses.

However, such uses less than .4 hectare in site area will be permitted in areas designated Residential, provided they satisfy the requirements of Policy A.2.1.3. Further, notwithstanding the above site area requirements, MAJOR INSTITUTIONAL uses will also be permitted in areas designated Commercial as set out in Policy A.2.2.1.

- A.2.6.2 MAJOR INSTITUTIONAL USES may be located in Residential neighbourhoods and will be encouraged to locate where they will function as a focus for the neighbourhood and on sites adjacent to other Institutional Uses, or a Neighbourhood Commercial use to permit the sharing of parking and other facilities in accordance with the following provisions:

- i) Sufficient off-street parking and loading will be required, with particular consideration for their on-site location, and appropriate buffer and landscape treatment to effectively screen the development from surrounding uses;
- ii) The proposal is of a scale that will be compatible to, and integrate with, the character of established or approved development in the surrounding area; and,
- iii) Adequate provision has been made for access by the physically disabled and senior citizens.

- A.2.6.3 All MAJOR INSTITUTIONAL USES, except public and separate schools, will be permitted to locate in Commercial areas or may be permitted in an area where a proven need has been identified and where, to the satisfaction of Council, the location and integration of such a use with established or proposed development is acceptable.

- C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

- x) Encourage the development of a range of RESIDENTIAL care and short-term care facilities in all areas of the City through appropriate recognition in the Zoning By-Law;"

The proposal conflicts with the intent of the Official Plan on the basis that it is not compatible with, or integrate with the established single-family development. Approval of the application will not necessitate an amendment to the Official Plan.

NEIGHBOURHOOD PLAN:

There is no approved Neighbourhood Plan for the Bartonville Neighbourhood.

COMMENTS RECEIVED:

- The Licensing Division of the Clerks Department and the Hamilton Region Conservation Authority have no comments or objections.
- The Building Department advises:

"The reduced size of the plans submitted make it impossible to establish the dimensions on the plan. However, based upon the submitted drawings, the following comments can be made.

 1. The "C" zone permits a residential care facility for six (6) residents. The "H" zones allows twenty (20).
 2. A side yard of 1.2m and a rear yard of 7.5m is required.
 3. Thirty-three (33) parking spaces are required.
 4. The parking, loading and manoeuvring spaces shall be paved and graded.
 5. The plans do not show compliance with Sections 18A(11)(12) & (24) of the Zoning By-Law."
- The Traffic Department advises:

"In order to thoroughly assess this application, we would need more detailed information, ie. number of staff per shift, the type of residents to be accommodated and the type of program being offered.

A 98-bed facility requires a minimum of 33 parking spaces. The applicant is offering only 20 spaces. In addition, even though a residential care facility is not required to supply a loading space, a facility of this size will be certain to have deliveries made by truck. There is no room on-site for a truck to turn around and backing a truck onto or from Main Street is unacceptable."

- The Department of Social Services advises:

"The following are our comments on this application:

1. The large size (98 beds) of the facility is not likely to create a home-like atmosphere; such numbers are usually related to long-term care facilities and institutions.
2. We do not know whether or not there are any waiting-lists for market-priced retirement beds in the Region; we do know that there are approximately 240 empty beds in our Regional subsidy system that could be used by persons who can afford market rents, if they choose to do so.
3. An increase in the availability of home-support services should enable many more people to stay in their own homes and apartments; they may also seek accommodation in designated supportive apartments now being developed. These provincially-funded thrusts will impact on residents in East Hamilton and other areas of the Region. They will provide alternatives to a move to a retirement home.

Thank-you for the opportunity to have input; we hope you find our observations helpful."

- The Roads Department advises:

"We have reviewed the above application and submit the following comments:

1. The existing and designated road allowance width of this section of Main Street is 20.12m. Therefore we do not anticipate any further road allowance widenings at this time.
2. According to our records, the alley adjacent to the east side of the subject lands is public unassumed. Therefore the City of Hamilton cannot guarantee free and clear access to the site from the alley.

3. Although not dimensioned on the preliminary site plan, we recommend that all fences, buildings, balconies, porches and stairs be set back a minimum of 3.0m to 5.0m from the Main Street road allowance limits. This is required in order to maximize the visibility for motorists on this property and neighbouring properties entering the Main Street road allowance.
4. Any landscaping, objects etc. within the 3.0m to 5.0m of the Main Street road allowance must not exceed a height of 0.60m above the corresponding perpendicular centreline elevation of Main Street.
5. We recommend that the subject lands be developed through site plan control at which time more detailed comments on grading, access etc. will be submitted.
6. Comments on access design, truck maneuvering on site, parking etc. from the City of Hamilton Traffic Department should be considered. It is our opinion that service trucks backing into or out of the site onto Main Street East does not conform to the intent of the Region's Official Plan with respect to new development adjacent to a Regional road. This development and site plan must be revised to ensure that trucks required to service this site can enter the site in a forward manner, turn around and then enter Main Street in a forward manner.
7. Any works which may occur within the Main Street road allowance must conform to the Region of Hamilton-Wentworth Roads Use By-law.
8. There are existing watermains and combined storm and sanitary sewers available to service these lands."

COMMENTS:

1. The proposal conflicts with the intent of the Official Plan, however approval of the application will not require an amendment.
2. The proposal cannot be supported for the following reasons:
 - the proposal conflicts with the intent of the Official Plan as it is incompatible with and does not integrate with the adjacent established single-family development. In this regard, the proposed building, while only two stories high would extend approximately 122 m (400 feet) in depth giving it a hotel/motel-like appearance which, along with the bulk of the structure would be out of character with the established neighbourhood;

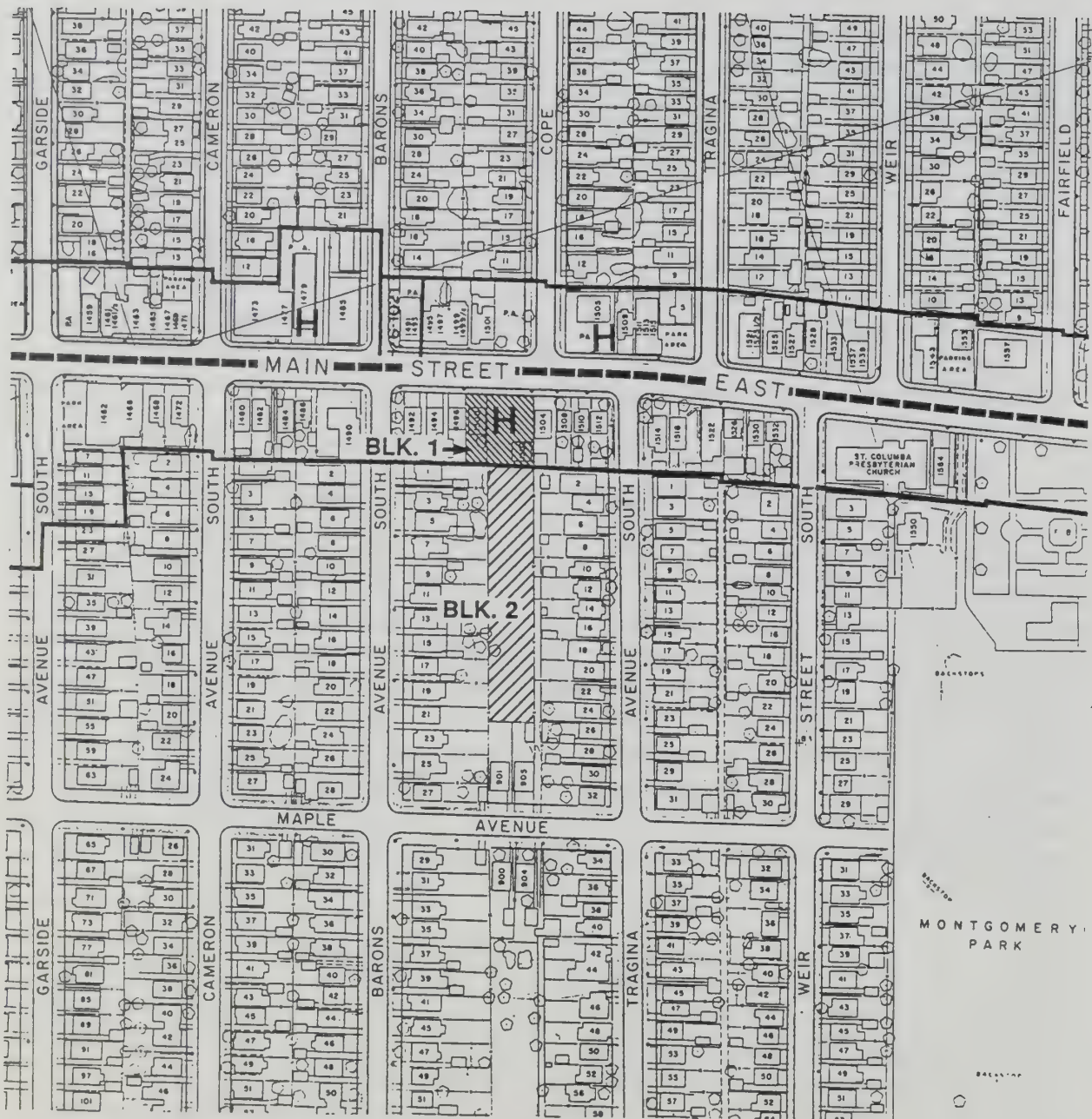
- it represents an over intensification of development on the subject lands. The comments from the Building, Traffic and Roads Departments indicate shortfalls in parking (33 required and 20 provided), concerns with ingress and egress, as well as on-site maneuvering for service vehicles. Given the configuration of the site, alternatives to resolve these concerns are limited;
- one of the prime goals of the Residential Care Facilities By-law is to provide the residents of such facilities with an opportunity to live in an environment that closely approximates a family situation. For this reason, the Residential Care Facilities By-law set specific limits in each zoning district to protect the residential nature of such facilities. In this regard, the "H" District permits a maximum of 20 residents and the "C" District permits a maximum of six residents; and,
- approval of the application would encourage other similar applications which, if approved would undermine the intent and philosophy of the by-law.

3. It is recognized that this is a unique property given its long narrow configuration. In this regard, any future development must be sensitive to the adjacent single-family neighbourhood. A residential care facility (retirement home) for senior citizens, by its nature, would likely have less impact on the adjacent neighbourhood than many of the commercial or higher density residential uses. Further, there are no other residential care facilities within the 180 m radial separation distance, and only one other in the Neighbourhood (1760 King Street East). There is an existing residential care facility (second level lodging home) for senior citizens at 1605 Main Street East (Montgomery Lodge), approximately 335.3 m (1,100 feet) to the east of the subject lands. As noted previously it has a capacity of 30 residents as approved by the Ontario Municipal Board in July, 1993.

While the use of the lands for a residential care facility (retirement home) for senior citizens can be supported, the intensity at which this one is proposed (ie. 98 residents) is considered to be an over intensification of development on the site. However, consideration could be given to such a facility for up to 24 residents. This is consistent with the combined maximum number of residents permitted as-of-right in the "H" and "C" Districts (20 and 6 respectively), as well as the maximum number of residents per facility who receive Regional subsidy (it is recognized that this proposal is intended to be privately operated).

CONCLUSION:

Based on the foregoing, the application cannot be supported.



Legend

Proposed modification to the:

BLOCK 1



"H" (Community Shopping and Commercial, etc.) District.

BLOCK 2



"C" (Urban Protected Residential, etc.) District.



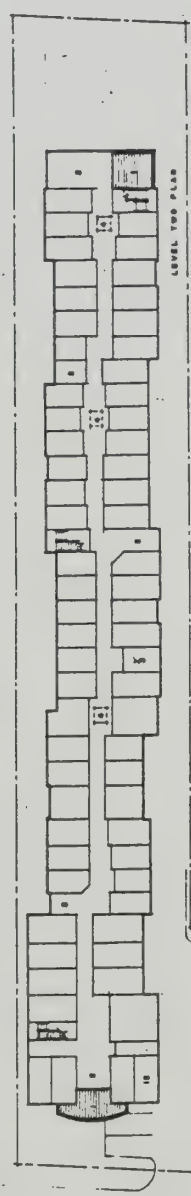
MONTGOMERY
PARK



INFORMATION

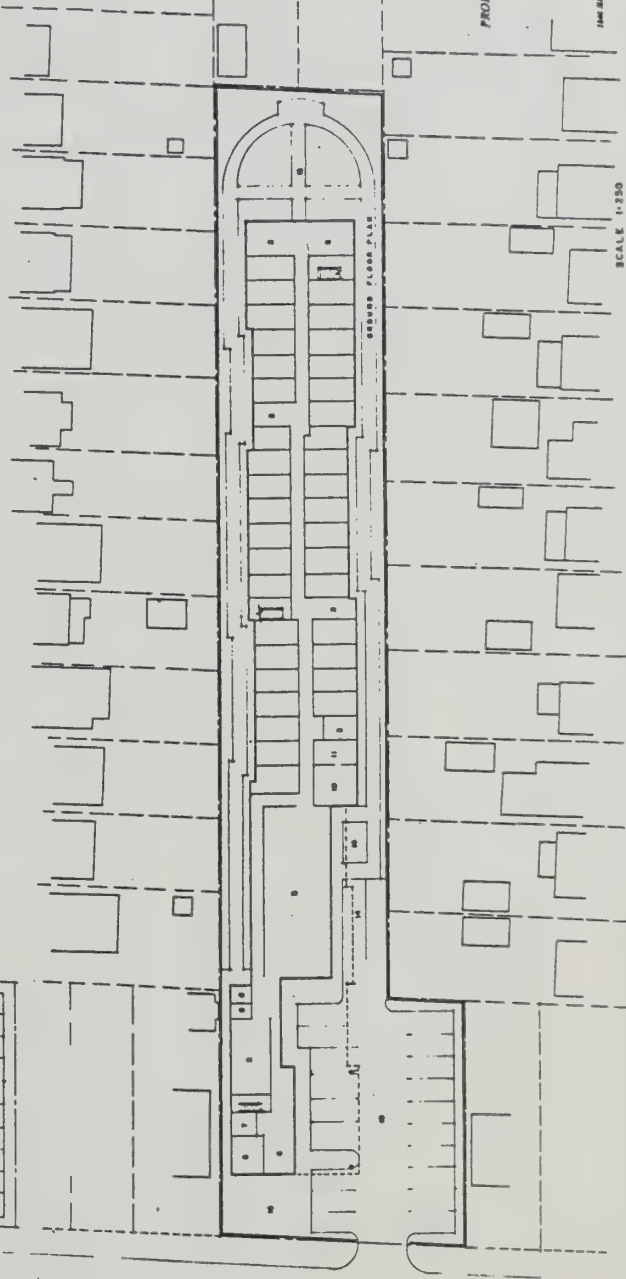
- 1. OUTDOOR UPPER LEVEL TERRACE
- 2. LOUNGE
- 3. KITCHEN
- 4. DINING ROOM
- 5. BREAKFAST ROOM
- 6. ADMINISTRATION
- 7. ENTRY / RECEPTION
- 8. PUBLIC WASHROOM
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PROPOSED RETIREMENT HOME FOR SENIORS
(98 BEDS)



LEVEL TWO PLAN

MAIN STREET EAST



GROUND FLOOR PLAN

FLOOR PLANS AND ELEVATION
PROPOSED RESIDENTIAL CARE FACILITY

1000 Main Street East
Burlington, Ontario

LIAQUAT M. SIDDIQUI
CITY PLANNING & LAND DEVELOPMENT
CONSULTANTS INC.

1000 BAYVIEW AVE. SUITE 100, SCARBOROUGH, ONTARIO M1S 5B9
416-291-1111 FAX 416-291-1112

SCALE 1:250

4a)

PROPOSED CHANGE MODIFICATION TO "C" DISTRICT AND "H" DISTRICT

PROPERTY DESCRIPTION 1500 AND 1502 MAIN STREET EAST

I AM IN FAVOUR OF ☒ *We feel that this facility will be a very beneficial asset to our community and will enhance and beautify the property.*

OPPOSED TO () (PLEASE CHECK (X) WHICH)

THIS PROPOSED MODIFICATIONS IN ZONING

Armen S. Olshchak
MICHEL I KORENKO OR OCCUPANT

MICHEL I JULIA
T/A EASTGATE VARIETY
1505 MAIN ST E
HAMILTON ON

Julia Olshchak
AUG 10 1994
AUG 10 1994

PLEASE DIRECT INQUIRIES TO

L8K 1E2

PLANNING DEPT. 546-4424

FILE-ZAC-94-11 SEQ-00153

"Distributed to: Alderman Drury; Alderman Eisenberger; Mayor Morrow;
D. Carson, Executive Assistant to the Mayor; V. Abraham, Director of Local
Planning; P. Noé Johnson, City Solicitor, Law Department; M. Main, Traffic
Department, D. Lobo, Director of Public Works - 1994 AUG 16."

4b)

August 10, 1994

ZAC-94-11

Secretary
Planning & Development Committee
City Hall
71 Main St. West
Hamilton, Ontario
L8N 3T4

AUG 16 1994

Dear Sir/Madam:

I am writing this letter on behalf of my mother, Anne Beniach, who is a resident of 7 Barons Ave South. The property backs onto the mentioned 1500-1502 Main Street East property which Dr. Smith is requesting to rezone commercial/urban residential.

Anne Beniach is strongly opposed to the rezoning of the property.

My mother moved to 7 Barons Ave. South approximately 10 years ago. What attracted her to this street in particular was the quaint, quiet atmosphere. The majority of residents are seniors and all amenities are within easy access.

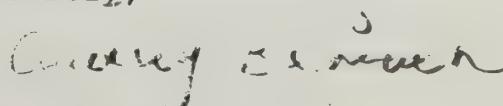
Ten years ago when my mother bought this property the lot behind hers was filled with vegetable gardens in full bloom. She was one of the gardeners in the following years. Neighbours gathered in their gardens daily, chatting, gossiping, sharing garden tools and water. This was a lovely community feeling. The ambiance has since been destroyed. It has been replaced by a field of overgrown weeds and a used car lot. This is not a pleasant sight to look at each day.

My mother has health problems now and this is just another upsetting issue to deal with. She went to City Hall last time when Dr. Smith tried to rezone the property but her state of health does not need additional aggravation.

A Seniors Citizen home would simply attract additional noise to the area, additional cars and further parking problems due to employees and visitors to the home, especially during shift time hours. Anne Beniach is definitely opposed to the rezoning of the property in any form.

I wish a written request of Council's adoption of the proposed official plan amendment.

Sincerely,



Audrey Beniach
per Anne Beniach

cc. Geraldine Copps

"Distributed to: Alderman Drury; Alderman Eisenberger; Mayor Morrow;
D. Carson, Executive Assistant to the Mayor; V. Abraham, Director of Local
Planning; P. Noé Johnson, City Solicitor, Law Department; M. Main, Traffic
Department, D. Lobo, Director of Public Works - 1994 Aug 18."

4c)

The Planning & Development Committee
City of Hamilton

1513 Main St. East
Hamilton, Ontario
August 15, 1994

AUG 17 1994

ZAC-94-11

Dear Sirs,

Re: Proposed Change Modification to 'C'
District & 'H' District 1500 & 1502 Main
St. E, Hamilton.

The basis of my objection to the change at Block 1 is the fact that the combination of the traffic light at Cope and Main Streets and the driving visitors in and out of the Residential Care Facility will create a serious traffic hazard on a very busy thoroughfare. This is especially true if cars are to turn left going west and cars leaving the facility are to turn left onto Main St.. There has been numerous traffic accidents on Main St. just east of Cope St. and this development will bring far too much traffic to bear and will increase the traffic hazard to this area.

Yours truly,



Norman Chan M.D.

5.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: August 16, 1994
(P5-2-132)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

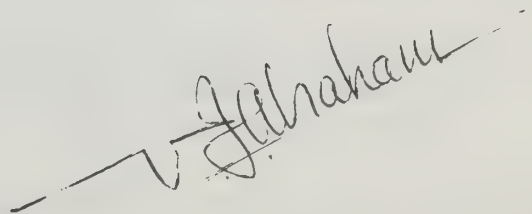
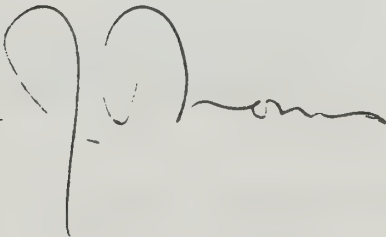
FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

V. J. Abraham
Director of Local Planning

SUBJECT: Requested closure of the walkway located between 300 and
304 St. Andrews Drive - Vincent Neighbourhood

RECOMMENDATION:

1. That the existing walkway located between 300 and 304 St. Andrews Drive in the Vincent Neighbourhood, as shown on the attached Appendix "A", be deleted from the approved Vincent Neighbourhood Plan; and,
2. That the closure be referred to the Transport and Environment Committee for implementation.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The walkway was originally approved as part of the Vincent Neighbourhood Plan in 1967 and subsequently established as a 10' public walkway in July, 1969 as part of registered plan of subdivision (62M-27).

PLANNING COMMENTS:

As authorized by the Planning and Development Committee, a public meeting was held on July 18, 1994. All of the residents present were in favour of closing the walkway. (see attached petition, submissions and minutes of the public meeting).

The walkway was originally intended to provide the residents with access to the open space area to the east, as opposed to most walkways which link areas to schools, parks, commercial areas and transit stops.

Complaints from area residents include use of the walkway for:

- drinking;
- drug use/dealing; and,
- loitering resulting in noise and vandalism problems.

The residents have also indicated that:

- they do not use the walkway;
- the access to the open space area is difficult (down a steep ravine); and,
- there is no link to other activities.

COMMENTS FROM OTHER DEPARTMENTS:

The Hamilton-Wentworth Regional Police have indicated the walkway should be closed as it is "an invitation to vandalism, littering and loitering, serves no useful purpose, is considered treacherous and may be a liability".

The Roads Department and Public Works Department have indicated they do not object to the proposed walkway closure.

The Hamilton Fire Department is satisfied that the open space area can be accessed from numerous other locations and has no objections to the proposed walkway closure.

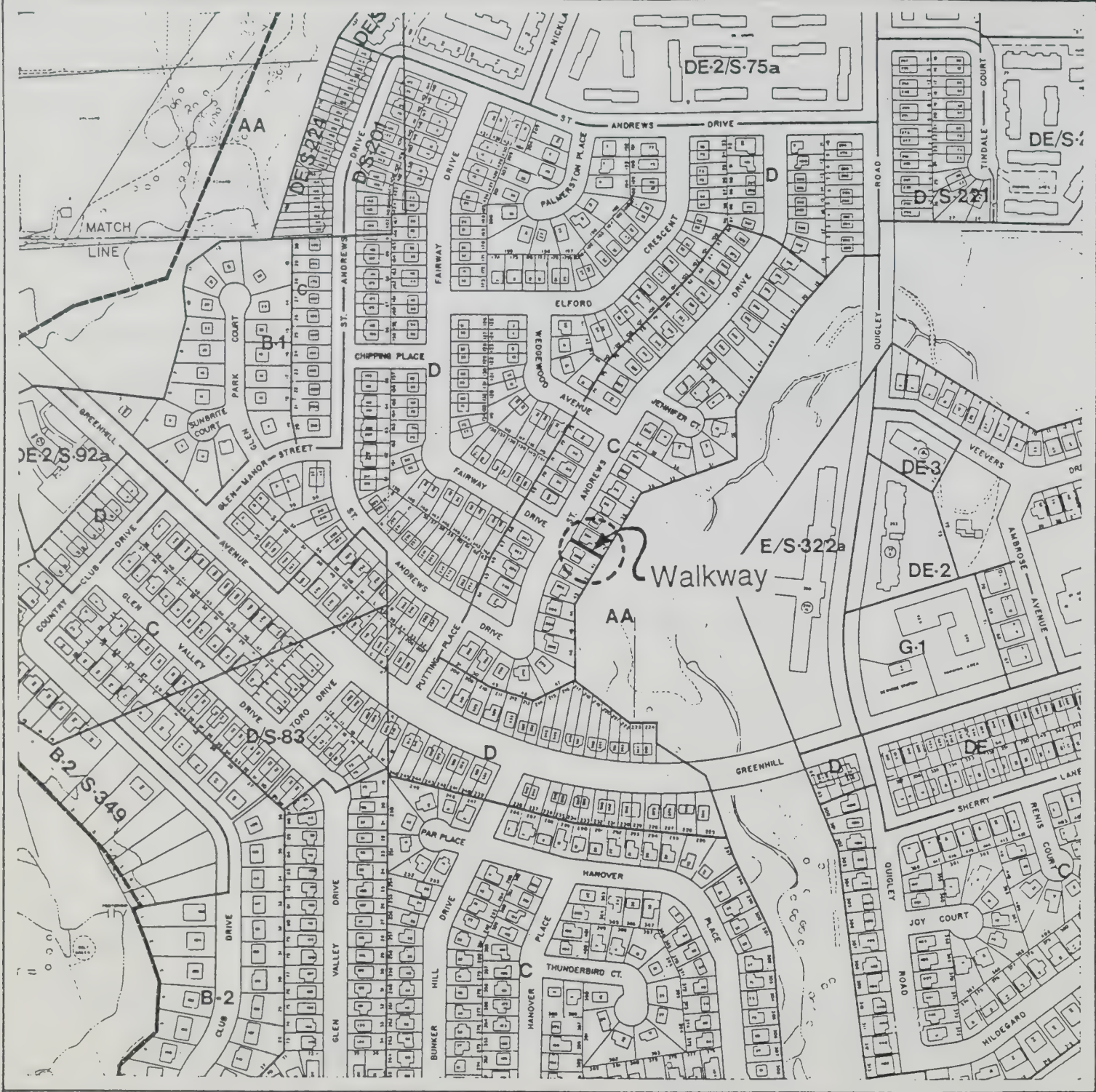
The Traffic Department does not support the requested closure and feels that access should be provided to the open space area from the interior of the neighbourhood rather than from arterial roads.

CONCLUSION:

While pedestrian accesses are encouraged in Neighbourhood Plans, from a neighbourhood planning perspective, this walkway should be closed based on the following:

- the walkway is not an essential link to the open space area;
- the open space area drops off suddenly;
- it is potentially dangerous to those wishing to use it;
- the walkway has resulted in vandalism and other problems; and,
- there are alternate access points to the open space area along Greenhill Avenue and Quigley Road.



JG/jg



VINCENT NEIGHBOURHOOD

APPENDIX "A"

Legend

-  Neighbourhood Boundary
-  Zoning Boundary.



Proposed Walkway Closure



Planning and Development Department
Hamilton-Wentworth Region

WE THE UNDERSIGNED FAMILIES SIGN THIS
 PETITION EITHER FOR THE CLOSURE OR NOT
 OF THE PATHWAY BETWEEN #S. 300 AND 304
 ST. ANDREWS DRIVE. IN THE VINCENT NEIGHBOURHOOD,
 IN HAMILTON.

MR & MRS. J. E. ROBERTS 300. ST. ANDREWS DR. <i>J Roberts</i>	YES NO	MR & MRS R Day 292 ST ANDREWS DR. <i>R Day</i>	YES NO
<i>M Rojasie</i> 299 ST ANDREWS DR	YES NO	MR & MRS. D.W. CULVER 275 ST. ANDREWS DR. <i>Douglas W Culver</i>	YES NO
<i>Mike Wells</i> 311 St. Andrews Dr <i>Ham.</i>	YES NO	Karen Wong MR & MRS J. WONG 319 ST. ANDREWS DRIVE	YES NO
<i>A Di Jouri</i> 320 St. Andrews Dr. <i>Ham L8K 5K4</i>	YES NO	Pauline McCaul 316 St Andrews Dr. <i>Ham L8K 5K4</i>	YES NO
319. St Andrews Dr <i>St George's</i>	YES NO	Danna Black 297 St Andrews Dr. <i>Ham. L8K 5K2</i>	YES NO
Marion Liberty 296 St Andrews	YES NO	Reg & Ruth Mahy 308 St. Andrews Dr.	YES NO

PLEASE MARK WITH ☒ DESIRED BLOCK.
 "YES" FOR CLOSURE "NO" NO CLOSURE

Mr & Mrs John Ross 304 St. Andrews Dr. Hamilton, Ont.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Mr & Mrs A. Zic 284 St. Andrews Dr Hamilton	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Bill Connelly 293 St. Andrews Dr Hamilton	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Mr & Mrs U. Tiberi 260 St. Andrews Dr. Hamilton Ont.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Mr. & Mrs Robert Green 272 St. Andrews Dr. Hamilton Ont L8K5K4	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Mr & Mrs Smith 109 Fairway Dr Hamilton, Ont	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Mr. Colvin Glasgow 264 St Andrews Dr Hamilton Ont.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Mr & Mrs Jim Noble 106 Fairway Dr Hamilton Ont	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Carolyn / Roger Davies 285 St. Andrews Dr HAM.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Mr. & Mrs. Bruce Petrowsky 104 Fairway Dr. Hamilton Ont.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Ken Worslow 268 St Andrews	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Mr. & Mrs. John Eitel 276 St. Andrews Drive Hamilton Ont. Maureen Eitel	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	103 Fairway Dr J. O'Sullivan	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
VOID	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Jannik Christensen 288 St Andrews Dr	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

PLEASE MARK WITH ☒ DESIRED BLOCK

Submission Form

The are in favour of closing the
walkway at ~~346~~³⁰⁴ St. Andrews Drive
because of our concern for the safety
of those in the area. Garbage,
drug use, drinking and fires
have made this access a hazard
and young children must not
be encouraged to use this area.

NAME: John & Maureen Eitel
ADDRESS: 276 St. Andrews Dr
Hamilton L8K 5K4

The deadline for submissions is August 1, 1994. Please return the completed submission to:

Mr. Victor Abraham
Director of Local Planning
71 Main Street West, 7th Floor
Hamilton, Ontario
L8N 3T4

If you have any questions, please call:

Joe Gravina, 546-4280

FILE P5-2-132

I AGREE WITH THE PROPOSED CLOSURE OF
THE WALKWAY BETWEEN 300 + 304 ST. ANDREWS DRIVE
FOR THE FOLLOWING REASONS.

① THE PATH LEADS INTO THE RAVINE ONLY.

② SNOW REMOVAL + WEED CONTROL MUST
BE EXPENSIVE.

③ CHILDREN DO NOT USE THIS PATH.

BUT "YOUNG(?)" TEENAGERS DO. — THEREFORE,

THE "BUSY" TIMES FOR THIS PATH IS

FROM 9:30 P.M. TO 3:00 A.M. — AND LATER.

ON NICE SUMMER NIGHTS LITTER, NOISE AND
LANGUAGE IS OFFENSIVE.

NAME: Marion Liberty

ADDRESS: 296 St Andrews Dr.

Hamilton

The deadline for submissions is August 1, 1994. Please return the completed submission to:

Mr. Victor Abraham
Director of Local Planning
71 Main Street West, 7th Floor
Hamilton, Ontario
L8N 3T4

If you have any questions, please call:

Joe Gravina, 546-4280

Submission Form

my family is in very much

Favour for the ~~closure~~ closure of

the pathway between 300 & 304

St. Andrews Dr. Hamilton L8K 5K4

NAME: mr & mrs J.E. ROBERTS

ADDRESS: 300 ST. ANDREWS DR.

HAMILTON. L8K 5K4.

ONTARIO.

The deadline for submissions is August 1, 1994. Please return the completed submission to:

Mr. Victor Abraham
Director of Local Planning
71 Main Street West, 7th Floor
Hamilton, Ontario
L8N 3T4

If you have any questions, please call:

Joe Gravina, 546-4280

Submission Form

I DULVER AM FULLY IN FAVOUR
OF CLOSURE OF THE SAID WALKWAY
FOR SAFETY REASONS AND THERE
IS NO FURTHER NEED FOR THIS WALKWAY

WALKWAY

VICTOR NEIGHBOURHOOD.

NAME:

D. DULVER

ADDRESS:

275 ST ANDREWS
HAM.

L8K 5K2

The deadline for submissions is August 1, 1994. Please return the completed submission to:

Mr. Victor Abraham
Director of Local Planning
71 Main Street West, 7th Floor
Hamilton, Ontario
L8N 3T4

If you have any questions, please call:

Joe Gravina, 546-4280

Submission Form

We are concerned about this walk way
being used for bad purposes like kids
with drugs and beer drinking
as well as some young children cutting
through on there way to and from
school which should not be in
this day and age.

NAME: Mr Mrs Q & Jie

ADDRESS: 284 St Andrews Dr
Hamilton

28K-5K4

The deadline for submissions is August 1, 1994. Please return the completed submission to:

Mr. Victor Abraham
Director of Local Planning
71 Main Street West, 7th Floor
Hamilton, Ontario
L8N 3T4

If you have any questions, please call:

Joe Gravina, 546-4280

July 20, 1994

P5-2-132

PUBLIC MEETING TO DISCUSS THE REQUESTED WALKWAY CLOSURE
BETWEEN 300 AND 304 ST. ANDREWS DRIVE
MONDAY JULY 18, 1994 - 6:30 P.M.
SIR WILFRID LAURIER RECREATION CENTRE
60 ALBRIGHT ROAD

MINUTES

ATTENDING:

Alderman F. Eisenberger

Alderman D. Agostino

Bill Janssen

Joe Gravina

Planning Department

Planning Department

RESIDENTS

J.L. Raberts	300	St. Andrews Drive
Mr. & Mrs. J. Eitel	276	St. Andrews Drive
Mr. & Mrs. A. Zic	284	St. Andrews Drive
Doug Culver	275	St. Andrews Drive
Steve Ross	304	St. Andrews Drive
Bradley Ross	304	St. Andrews Drive

Alderman Eisenberger welcomed the residents explaining that the meeting was authorized by the Planning and Development Committee to determine whether the requested closure of the existing walkway will affect the area residents.

The citizens were invited to express their views and encouraged to submit their concerns in writing by August 1, 1994.

Bill Janssen gave an overview of walkways and their intended use. He stated that walkways are generally located in areas where access to schools, parks, commercial areas or transit stops can be facilitated. He went on to state the following:

- the walkway was approved as part of the neighbourhood plan in 1967 and subsequently established as part of the plan of subdivision;
- the intended use of the walkway was access to the open space area;

Alderman Eisenberger asked those present if they wished to express any concerns:

The following points were raised by the residents:

- vandalism (throwing stones, garbage, broken glass, threat of robbery, fires etc.);
- the walkway is exclusively used by teenagers for loitering leading to noise, drinking, drug use/dealing etc.);
- the walkway is not used by area residents as it does not lead to anywhere ie. not very much usable open space;
- there is a lack of maintenance; and,
- children should not be encouraged to use the walkway.

The general consensus was that all the residents present in addition to those listed on a petition (see attached) are in favour on closing the walkway.

Bill Janssen informed the residents that the timing for closure would be subject to the Planning and Development Department's report to the Planning and Development Committee which would likely include recommendations to:

- amend the approved Vincent Neighbourhood Plan to delete the walkway from the
- refer the matter to the Transport and Environment Committee to implement the closure of the walkway.

Alderman Agostino informed the residents that since the Police have identified the walkway as an invitation to vandalism, littering, loitering etc., the closure should be initiated by the City at no cost to the residents. He went on to say that although the process and physical closure of the walkway may take several months, the police have indicated that they will continue to give the area special attention.

Alderman Eisenberger thanked the residents for attending, adding that they would be notified by mail as to when the Planning and Development Committee will consider the Planning and Development Department's report recommendations.

The meeting was adjourned at 7:00 p.m.

CITY OF HAMILTON

- RECOMMENDATION -

6.

DATE: 1994 August 5
(OPA-HSK)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

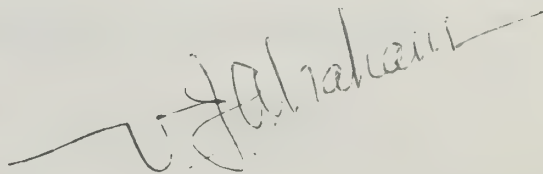
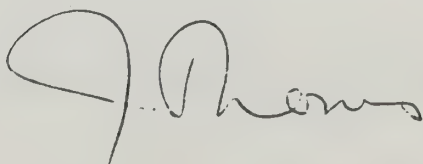
FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V.J. Abraham. M.C.I.P.,
Director of Local Planning

SUBJECT: Housekeeping Amendment to Hamilton Official Plan

RECOMMENDATION:

1. That approval be given to the Official Plan Amendment No. _____, attached as APPENDIX "A", as follows:
 - i) to introduce a new Subsection C.9 titled "*Safety, Noise and Vibration*"; and,
 - ii) to incorporate minor wording changes to the text of the Official Plan; and,
 - iii) to incorporate changes to Schedule "A" - Land Use Concept, Schedule "B" - Special Policy Areas, Schedule "C" - Hazard Lands, and, Schedule "D" - Environmentally Sensitive Areas; and,
 - iv) to delete the existing Schedule "B-3" - Other Special Policy Areas and replace it with a new Schedule "B-3"; and,
2. That the Planning and Development Department be directed to prepare a by-law of Adoption for submission to City Council.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Official Plan is a "*comprehensive guide to co-ordinate public and private actions in an orderly manner by defining future relationships among land uses and municipal services.*" The Official Plan is divided into four Sections:

- Land Use and Management Strategy;
- Servicing Strategy;
- Amenity and Design Strategy; and,
- Implementation.

The Plan is consulted extensively in the day-to-day operations of the Planning and Development department. From time to time, out-of-date policies and inconsistencies in the wording are identified. As a result, every few years, a Housekeeping Amendment is prepared to correct any identified problems. Since the approval of the Official Plan in 1982, there have been four housekeeping amendments.

The attached Appendix "A" contains the proposed text amendments and Schedule changes to the Official Plan.

RESULTS OF CIRCULATION:

A draft of the 5th Official Plan housekeeping amendment was circulated to various Departments and Agencies for their comments.

- The following Departments, Agencies and Provincial Ministries have no comments or objections:
 - Ministry of Transportation;
 - Hamilton Region Conservation Authority;
 - Regional Planning; and,
 - CN Rail.
- The Niagara Escarpment Commission has advised:
 - "1. The Commission has no objections to the City of Hamilton Official Plan Housekeeping Amendment.
 2. The Commission recommends that the boundary between the residential uses along Kimberly Avenue and adjacent Escarpment Natural Area be more precisely defined through the City's Zoning By-law, in accordance with mapping attached as Figure 2 to the staff report dealing with the City of Hamilton Official Plan Housekeeping Amendment."

Comments:

The Department is pursuing the removal of development control from those areas designated "Urban Area" in the Niagara Escarpment Plan. This area will require the establishment of the appropriate zoning for the lands and at that time the boundaries of the zoning district will be firmly established.

- The Traffic Department requested minor wording changes that have been incorporated.
- The Ministry of Environment and Energy requested minor wording changes that have been incorporated.
- The Roads Department requested minor wording changes that have been incorporated.

CONCLUSION:

Based on the foregoing, it would be appropriate to approve the fifth housekeeping amendment to the Official Plan:

- i) to introduce a new Subsection C.9 titled "*Safety, Noise and Vibration*";
- ii) to incorporate minor wording changes to the text of the Official Plan;
- iii) to incorporate changes to Schedule "A"- Land Use Concept, Schedule "B" Special Policy Areas, Schedule "C" - Hazard Lands, and, Schedule "D" - Environmentally Sensitive Areas; and,
- iv) to delete the existing Schedule "B-3" - Other Special Policy Areas and replace it with a new Schedule "B-3",

NOTE: The Schedules to the Official Plan are not included in this report due to their large size.

APPENDIX "A"

TEXT CHANGES TO THE CITY OF HAMILTON OFFICIAL PLAN

SECTION A: LAND USE AND MANAGEMENT STRATEGY

1) Subsection A.2.1 - Residential Uses, **Policy A.2.1.3**, be revised by:

- i) deleting the words "*deemed necessary by Council to*"; and,
- ii) replacing the word "serve" with "*serving*";

so the entire Policy reads as follows:

"2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and *serving* the needs of local residents will be permitted, including, but not limited to: ..."

Rationale:

The wording change will make the Policy clearer and more definitive in its direction.

2) Subsection A.2.1 - Residential Uses, **Policy A.2.1.15**, be revised by:

- i) deleting the words "*Rail Service*";
- ii) adding an "s" to the word "Subsection"; and,
- ii) adding the words "*C.2 and C.9*" after the words "Subsection B.3.5,";

so the entire Policy reads as follows:

"2.1.15 Prior to the approval of RESIDENTIAL development adjacent to railway rights-of-way, Council will have regard for the requirements of Subsections B.3.5, *C.2 and C.9*."

Rationale:

The modifications provide for cross reference between Subsections.

- 3) Subsection A.2.2 - Commercial Uses, **Policy A.2.2.1**, be revised by adding the words '*where one exists*' after the words, "provided that they have been designated in the Neighbourhood Plan"; so the entire policy reads as follows:

"2.2.1 The primary uses permitted in areas exceeding .4 hectare in size as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities. In addition, to the primary permitted uses, the following may be permitted within COMMERCIAL areas provided that they have been designated in the Neighbourhood Plan, *where one exists*:....."

Rationale:

The Policy requires that commercial areas be identified in Neighbourhood Plans. However, in many older parts of the City there are no Neighbourhood Plans. In this regard, Official Plan Amendments have been required to exempt developments from this clause due to this technicality.

- 4) Subsection A.2.3 - Industrial Uses, **Policy A.2.3.38** be revised by adding the words '*and Schedule "B-3" - Other Special Policy Areas*' at the end of the first paragraph, so the first paragraph of the Policy reads as follows:

"2.3.38 Notwithstanding the foregoing, Industrial Uses are not permitted on lands designated Escarpment Natural Area and Escarpment Protection Area in the Niagara Escarpment Plan, as identified by Special Policy Area "1a" and "1b" on Schedule "B" - Special Policy Areas *and Schedule "B-3" - Other Special Policy Areas.*"

Rationale:

The Ministerial Order for the Niagara Escarpment lands did not include a reference to Schedule "B-3" - Other Special Policy Areas since the new Schedule "B-3" was approved during the processing of the Order by the Province. In this regard, it is appropriate to include the reference to Schedule "B-3" in the Housekeeping Amendment.

- 5) Subsection A.2.4 - Open Space Uses, **Policy A.2.4.2** be revised by adding the words '*and Schedule B-3 - Other Special Policy Areas*' at the end of the second paragraph, so the second paragraph of the Policy reads as follows:

"2.4.2 Notwithstanding the foregoing, limited commercial uses which are ancillary to and support the primary OPEN SPACE use are not permitted on lands designated Escarpment Natural Area and Escarpment Protection Area in the Niagara Escarpment Plan, as identified by Special Policy Area "1a" and "1b" on Schedule "B" - Special Policy Areas *and Schedule B-3 - Other Special Policy Areas.*"

Rationale:

See Item 4.

- 6) Subsection A.2.6 - Major Institutional Uses, **Policy A.2.6.1**, be revised by replacing the words "related uses" with "*accessory uses*", so the entire Policy reads as follows:

"2.6.1 The primary uses permitted in the areas exceeding .4 hectare in size designated on Schedule "A" as MAJOR INSTITUTIONAL, will consist of cultural facilities, health, welfare, educational, religious, and governmental activities and *accessory uses*."

Rationale:

In the Ontario Municipal Board decision respecting St. Marks Church, the term "related to" was defined very liberally. The Board allowed Diocese offices on the site because the office use was related to the church function. However, the intent of that Policy would be to allow accessory uses such as a parish hall, church offices serving that church only, etc., **not** Region wide offices. In this regard, it would be more appropriate to use the word "*accessory*" rather than "related to" so the intent of the Policy is clearer.

- 7) Subsection A.2.6 - Major Institutional Uses, **Policy A.2.6.2** be revised by:

- i) deleting the word "*and*" in subclause ii);
- ii) adding the word "*and*" to the end of subclause iii); and,
- ii) adding a new iv);

so the entire Policy reads as follows:

"2.6.2 i)

- ii) The proposal is of a scale that will be compatible to, and integrate with, the character of established or approved development in the surrounding area;
- iii) Adequate provision has been made for access by the physically disabled and senior citizens; *and*,
- iv) *The proposal satisfies the provisions of Subsections C.2 and C.9."*

Rationale:

The addition of this subclause will provide for a cross reference between the new requirements of the safety and noise policies and the proposal.

- 8) Subsection A.2.6 - Major Institutional Uses, **Policy A.2.6.4**, be revised by adding the words "*, where applicable,*" at the end of the sentence, so the entire Policy reads as follows:

"2.6.4 Notwithstanding the policies set out above, the development of any new MAJOR INSTITUTIONAL USE on a site of .4 hectares or greater will only be permitted by means of an amendment to this Plan and to the Zoning By-law, *where applicable.*"

Rationale:

In many instances, institutional uses such as churches, schools, etc. are allowed 'as-of-right' according to Zoning By-law No. 6593. Therefore, amendments to the Zoning By-law are not required.

- 9) Subsection A.2.6 - Major Institutional Uses, **Policy A.2.6.6**, dealing with the Niagara Escarpment Area be renumbered to Policy "A.2.6.8"

Rationale:

During the processing of the Ministerial Order pertaining to the policies of the Niagara Escarpment Plan, Official Plan Amendment No. 80 also included a new Policy numbered A.2.6.6. Therefore, one of the policies must be renumbered.

- 10) Subsection A.2.7 - Utility Uses, **Policy A.2.7.6** be revised by adding the words '*and Schedule "B-3" - Other Special Policy Areas*' between the words "on Schedule "B" - Special Policy Areas" and "only essential," so the entire Policy reads as follows:

"2.7.6 Notwithstanding the foregoing, within the Escarpment Natural Area as identified by Special Policy Area "1a" on Schedule "B" - Special Policy Areas *and Schedule "B-3" - Other Special Policy Areas*, only essential utility facilities are permitted....."

Rationale:

See Item 4.

- 11) Subsection A.2.9.1 - Niagara Escarpment, **Policy A.2.9.1.2**, be revised by adding the words '*and Schedule "B-3"*' between the words "Schedule "B"" and "as SPECIAL POLICY AREA 1" and between the words "Schedule "B"," and "into Special Policy Areas "1a", "1b", and "1c", so the entire Policy reads as follows:

"2.9.1.2 The lands shown on Schedule "B" *and Schedule "B-3"* as SPECIAL POLICY AREA 1 are located within the Niagara Escarpment Plan. To implement the Niagara Escarpment Plan, SPECIAL POLICY AREA 1 is subdivided, as shown on Schedule "B" *and Schedule "B-3"*, into Special Policy Areas "1a", "1b", and "1c".

Rationale:

See Item 4.

- 12) Subsection A.2.9.1 - Niagara Escarpment, **Policy A.2.9.1.3**, be revised by adding the words '*and Schedule "B-3" - Other Special Policy Areas*' between the words "Schedule "B" - Special Policy Areas" and "as Special Policy Areas "1a", "1b", and "1c", so the entire Policy reads as follows:

"2.9.1.3 The following policies apply to the areas shown on "Schedule "B" - Special Policy Areas *and Schedule "B-3" - Other Special Policy Areas* as Special Policy Areas "1a", "1b", and "1c:";

Rationale:

See Item 4.

- 13) Subsection A.2.9.3 - Other Special Policy Areas, **Policy A.2.9.3.15** be deleted and By-law No. 83-153 be repealed.

Rationale:

In 1990, the subject lands were rezoned to permit an existing two-family dwelling. The previous implementing Zoning By-law 83-165, which permitted an electronics and communications business within the existing building, was repealed by By-law No. 90-225. At that time, the Zoning report recommended the corresponding OPA be deleted when any Official Plan Housekeeping Amendment was undertaken.

- 14) Subsection A.3.1 - Hazard Lands, **Policy A.3.1.4**, be revised by adding the words '*and Schedule "B-3" - Other Special Policy Areas*' between the words "Schedule "B" - Special Policy Areas" and "are recognized..", so the entire Policy reads as follows:

"3.1.4 Certain lands within the City of Hamilton which form SPECIAL POLICY AREA 1 ("1a", "1b" and "1c") on Schedule "B" - Special Policy Areas *and Schedule "B-3" - Other Special Policy Areas* are recognized as having inherent environmental hazards such as flooding and erosion susceptibility..."

Rationale:

See Item 4.

- 15) Subsection A.3.2.10 - Environmentally Sensitive Areas, **Policy A.3.2.10** be renumbered to Policy A.3.2.11.

Rationale:

During the processing of the Ministerial Order pertaining to the policies of the Niagara Escarpment Plan, Official Plan Amendment No. 80 also included a new Policy numbered A.3.2.10. Therefore, one of the policies must be renumbered.

- 16) Subsection A.3.2.10 - Environmentally Sensitive Areas, **new Policy A.3.2.11** be revised by adding the words '*and Schedule "B-3" - Other Special Policy Areas*' between the words "Schedule "B" - Special Policy Areas" and "are recognized..", so the entire Policy reads as follows:

"3.2.11 Certain lands within the City of Hamilton which form SPECIAL POLICY AREA 1 ("1a", "1b" and "1c") on Schedule "B" - Special Policy Areas *and Schedule "B-3" - Other Special Policy Areas* are recognized as being ecologically significant."

Rationale:

See Item 4.

- 17) Subsection A.3.3. - Non-Complying Uses, **Policy A.3.3.5**, be revised by adding the words '*and Schedule "B-3" - Other Special Policy Areas*' between the words "Schedule "B" - Special Policy Areas," and "which do not conform" and by changing the word 'shall' to 'will' between the words "Plan" and "be", so the entire Policy reads as follows:

"3.3.5. Notwithstanding the foregoing, those uses within the area of the Niagara Escarpment Plan, as shown as SPECIAL POLICY AREA 1 ("1a", "1b" and "1c") on Schedule "B" - Special Policy Areas *and Schedule "B-3" - Other Special Policy Areas*, which do not conform to the Niagara Escarpment Plan *will* be recognized as existing uses...."

Rationale:

See Item 4.

- 18) Subsection A.3.4. - Division of Land, **Policy A.3.4.2.**, be revised by adding the words '*and Schedule "B-3" - Other Special Policy Areas*' between the words "Schedule "B" - Special Policy Areas," and "must conform", so the entire Policy reads as follows:

"3.4.2. Any Division of Land within the Niagara Escarpment Plan, as shown as SPECIAL POLICY AREA 1 ("1a", "1b" and "1c") on Schedule "B" - Special Policy Areas *and Schedule "B-3" - Other Special Policy Areas*, must conform to New Lot Policies of the relevant Niagara Escarpment Plan designation contained in Policy A.2.9.1.3 of this Plan, as well as the Development Criteria contained in the Niagara Escarpment Plan."

Rationale:

See Item 4.

SECTION B - SERVICING STRATEGY

- 19) Subsection B.3.1 - Road Network, **Policy B.3.1.18**, be revised by adding the words '*and Schedule "B-3" - Other Special Policy Areas*' at the end of the second paragraph, so the entire Policy reads as follows:

"3.1.18 Notwithstanding the foregoing, temporary licensed wayside pits and quarries for the construction and maintenance of public roads are not permitted on lands designated Escarpment Natural Area and escarpment Protection Area in the Niagara Escarpment Plan, as identified by Special Policy Area "1a" and "1b" on Schedule "B" - Special Policy Areas *and Schedule "B-3" - Other Special Policy Areas*."

Rationale:

See Item 4.

- 20) Subsection B.3.1 - Road Network, **Policy B.3.1.19 v)**, be revised by adding the words "*such as but not limited to alleyways, laybys,*" between the words "a specific site," and "or where..", so the entire Policy reads as follows:

"3.1.19 v) Notwithstanding the policies of Section B.3.1.19 iii), in certain cases and where deemed necessary Council may require ROAD widenings, in addition to the rights-of-way widths specified in i) above, to provide auxiliary turning lanes, or to provide appropriate access to a specific site, *such as but not limited to alleyways, laybys,* or where cut and fill requirements cannot be achieved within the specified rights-of-way to accommodate the necessary side slopes and/or retaining walls."

Rationale:

The intent of the modification is to clarify where additional road widenings may be required.

- 21) Subsection B.3.1 - Road Network, **Policy B.3.1.19**, be revised by adding a new clause vi), to read as follows:

"3.1.19 vi) *It is the intent of Council to ensure the minimum roadway width is 15 m. In this regard, as a condition of Site Plan approval, the dedication of ROAD widenings will be required to establish a ROAD allowance width a minimum of 15 m, and daylight triangles to accommodate ROAD facilities.*"

Rationale:

This new policy is required since the Official Plan is silent on road widenings for substandard roads (less than 15 m) and the O.P. makes reference to other road widenings.

- 22) Subsection B.3.1 - Road Network, **Policy B.3.1.21**, be revised by adding the words '*and Schedule "B-3" - Other Special Policy Areas*' at the end of the first sentence, so the entire Policy reads as follows:

"3.1.21. Notwithstanding the foregoing policies of this Subsection, only essential transportation facilities will be permitted within the Escarpment Natural Areas, as identified by Special Policy Area "1a" on Schedule "B" - Special Policy Areas *and Schedule "B-3" - Other Special Policy Areas....*"

Rationale:

See Item 4.

- 23) Subsection B.3.5 - Rail Service, **Policy B.3.5.2**, be deleted and the subsequent policies be renumbered accordingly.

Rationale:

This Policy has been modified and included in a new section titled "*C.9 Noise and Vibration*" as Policy C.9.3.

- 24) Subsection B.3.5 - Rail Service, **new Policy B.3.5.2**, be revised by:

- i) deleting the words "Further to Policy B.3.5.2 above,";

- ii) deleting the words "development/redevelopment proposals" and replacing it with *"residential and institutional developments and redevelopments"*; and,
- iii) deleting the last line and replacing it with *"In this regard, such development will be subject to the provisions of Subsections A.2.1 and C.9."*;

so the entire Policy reads as follows:

"3.5.2 Council recognizes the concerns of the railway companies with regards to the potential impacts on their property by major residential and institutional developments and redevelopments adjacent to RAILWAY rights of way. *In this regard, such development will be subject to the provisions of Subsections A.2.1 and C.9.*"

Rationale:

The modifications provide for consistency with the policies contained in the Subsection C.9 - Noise and Vibration as well as to allow cross reference between Subsections.

- 25) Subsection B.3.7 - Air Service - Hamilton Airport, **Policies B.3.7.2 and B.3.7.3** be deleted.

Rationale:

These policies have been modified and included in a new Subsection titled "C.9 Noise and Vibration" as Policies C.9.1 and C.9.2.

- 26) Subsection B.3.7 - Air Service - The Hamilton Airport, **new Policy 3.7.2** be added as follows:

"3.7.2 *The provisions of Subsection C.9 will apply to future residential development that is affected by a Noise Exposure Contour of 28 or greater.*"

Rationale:

This new policy will allow for cross references between the two Subsections.

SECTION C - AMENITY AND DESIGN STRATEGY

- 27) Subsection C.2 - Safety and Convenience, **Policy C.2.3** be deleted and replaced as follows:

"2.3 *Council recognizes the concept of barrier free design as an important component of new development and/or redevelopment which may be realized through measures such as, but not limited to:*

- i) *the ramping of sidewalks;*
- ii) *the requirement of appropriate access ramps, elevator or other means to all publically accessible buildings and open spaces;*
- iii) *the reservation of conveniently located and appropriately designed parking spaces for all public and private buildings for the use by the physically disabled;*
- iv) *co-operation with the appropriate public agencies to investigate and implement appropriate public transportation opportunities for the physically disabled; and,*
- v) *co-operation with the appropriate government, public or private agencies, organizations, or committees dealing with issues related to disabilities."*

Rationale:

On November 18, 1992, the Planning and Development Committee, approved changes to the above-noted Policy and these changes were to be included in the Housekeeping Amendment. The purpose of the modifications is to improve policies relating to barrier free design.

28) Subsection C.2 - Safety and Convenience, **new Policy C.2.4** be added as follows:

"C.2.4 All proposed development adjacent to the railways will ensure that appropriate safety measures such as setbacks, berms and security fencing are provided to the satisfaction of the City, in consultation with the appropriate railway."

Rationale:

CN Rail has requested a policy be added to the Official Plan to allow for the incorporation for safety measures for developments adjacent to railways.

29) Subsection C.7 - Residential Environment and Housing Policy, **Policy C.7.3**, be revised by:

- i) in subsection iii), replacing the words "is consistent and complements the established development pattern" with *"recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview";*
- ii) in subsection v), replacing the words "compatible with the established development pattern" with *"that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview"; and,*

- iii) in subsection vii), replacing the words "at densities and scales compatible with the established development pattern" with "*that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview*";

so the revised aspects of the Policy read as follows:

"7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will: ...

- iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure *that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview*; ...
- v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales *that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview*; ...
- vii) Encourage non-profit and co-operative housing organizations to provide a range of socially-assisted dwelling units for a variety of client types, in all areas of the City, *that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview*; ...

Rationale:

These changes arose as a result of Hamilton Official Plan Amendment No. 109, which dealt with various housing policy matters, including the Housing Intensification Strategy and the Provincial Policy Statement Land Use Planning for Housing. The Ministry of Housing requested these minor modifications to O.P.A. No. 109. However, these were revised after the Amendment had already been approved by Council. It was agreed that these changes would be incorporated by means of the housekeeping amendment.

30) Subsection C.7 - Residential Environment and Housing Policy be revised by:

- i) deleting Policies C.7.14, C.7.15, C.7.18, C.7.21 and C.7.22;
- ii) by modifying Policies and adding them to a new Subsection-as follows:

<u>Existing Policy</u>	<u>New Policy</u>
C.7.11	C.9.4
C.7.12	C.9.8
C.7.13	C.9.7
C.7.16	C.9.11
C.7.17	C.9.6
C.7.20	C.9.12

Rationale:

The Policies relating to noise in Subsection C.7 pertain to residential uses only. It is appropriate to include institutional uses since they can also be sensitive to noise levels. In addition, the Official Plan contains requirements for development or redevelopment proposal abutting roads, airport, railway rights of way. For ease of application, it is beneficial to consolidate them into a new Subsection.

The Policies that have been identified for deletion are redundant or have been incorporated into new Policies in Subsection C.9.

- 31) Section C - Amenity and Design Strategy be modified by adding the following new Subsection:

"Subsection C.9 Noise and Vibration

It is the general intent of this Plan to minimize the effect of noise and vibration sources from the airport, inter-regional highways and railways for all City residents. In this regard, the City will co-operate with appropriate agencies to determine acceptable levels of noise and vibration emissions as well as develop design measures to mitigate potential impacts.

- 9.1 In accordance with the Regional Official Plan, Council may, when considering development and/or redevelopment that is subject to noise exposure forecast contours (Federal Department of Transport) in the area around the Hamilton Civic Airport, require the appropriate Federal and Provincial land use guidelines and noise abatement measures.
- 9.2 Further to Policy C.9.1, prior to approving future residential development affected by a noise exposure forecast contour of 28 or greater, Council will require the proponent of such development to undertake any or all of the following:
- i) Submit a detailed noise study prepared by a qualified expert outlining the required noise insulation features in the design of the buildings;
 - ii) Satisfy Council that appropriate noise insulation features have been provided in the construction of building in accordance with Provincial standards; and,

- iii) Inform prospective tenants or purchasers of residential units that aircraft noise may interfere with certain activities. Such a warning provision will be required to be included as a clause in a development agreement and subdivision agreement.

modified 9.3 Council may require appropriate measures to moderate the effects of noise, visual intrusion or other undesirable impacts on new residential and institutional development adjacent to inter-regional highways and railway rights-of-way.

new 9.4 The appropriate railway company will determine the necessity of a noise and/or vibration study for new residential and institutional development that is proposed adjacent to the railway right-of-ways (including rail lines and railway yards). Any noise and/or vibration study that is undertaken will be to the satisfaction of the City and the Ministry of Environment and Energy, in consultation with the appropriate railway. The City will require appropriate measures to mitigate any identified adverse effects from noise.

*new/
modified* 9.5 Any proposed residential and institutional development adjacent to inter-regional highways or a heavy industrial use may be required to undertake a detailed noise study to the satisfaction of the City and the Ministry of the Environment and Energy.

modified 9.6 Council will co-operate with and encourage the Ministry of Transportation to achieve the objective of 55 dBA where an inter-regional highway is proposed to be built or expanded through, or adjacent to, a designated residential area.

modified 9.7 Council will require the developer of proposed residential development adjacent to the Redhill Creek Expressway to provide evidence the noise levels in outdoor recreation space, after applying appropriate endeavours to meet the objectives of 55 dBA. Residential and institutional development will only be permitted where attenuated noise levels in outdoor recreational space do not exceed 70 dBA. Council will not seek attenuation requirements where noise levels are, or are expected to be, at or below 55 dBA.

modified 9.8 Council will endeavour to minimize impacts on outdoor recreational space of new residential and institutional development from noise in excess of 55 dBA generated by adjacent inter-regional highways or railway lines.

new 9.9 Council will ensure that noise impacts from heavy industrial uses and railway yards on new residential and institutional development satisfy the Ministry of the Environment and Energy's Stationary Noise criteria.

- 9.10 Where noise levels for the Redhill Creek Expressway, rail lines and inter-regional highways are expected to exceed 55 dBA in outdoor recreational spaces after the implementation of sound attenuation measures, Council will require, as a condition of approval of proposed residential development, that future tenants
modified or purchasers are advised that, despite the inclusion of noise control measures, noise levels may become of concern, occasionally interfering with some activities of the occupants. Such a warning provision will be required to be included as a clause in a lease or rental agreement; agreement of purchase and sale; development agreement; and subdivision agreement.
- 9.11 Where noise attenuation measures are required, these measures, for both outdoor and indoor space, may include, but not be limited to, the following:
- i) Sound-proofing measures and construction techniques, general layout and design of the structure or outdoor recreational space with respect to noise sources;
 - modified* ii) Spatial separation from the source, including the insertion of permitted sound-insensitive uses between source and receivers;
 - iii) Building setbacks;
 - iv) Acoustical barriers such as berms, walls, favourable topographic features or other intervening structures; and,
 - v) The use of suitably designed higher density Residential structures.
- 9.12 Where new residential and institutional development for which noise control measures will be required precedes the construction of an Inter-Regional Highway or Railway line, Council may require, as a condition of approval, that:
- modified* i) Sufficient lands be conveyed at no cost for the erection of a noise barrier; and,
 - ii) A pro-rated cost contribution be made by the proponent prior to final approval for construction of a noise barrier, where deemed appropriate by Council."

Rationale:

The Official Plan contains policies on noise and vibration that are scattered throughout the Plan. In addition, since 1982, many have become outdated and agencies (i.e. CN Rail) have requested additional provisions respecting noise.

In this regard, it is appropriate to consolidate all the policies under one Subsection since they apply to array of uses (i.e. residential, institutional) as well as agencies (rail, air, highways).

Policies C.7.11, C.7.12 and C.7.19 are deleted.

SECTION D - IMPLEMENTATION

- 32) Subsection D.8 - Interpretation, **Policy D.8.6.** dealing with the Niagara Escarpment Area be renumbered to Policy "D.8.7".

Rationale:

During the processing of the Ministerial Order pertaining to the policies of the Niagara Escarpment Plan, Official Plan Amendment No. 80 also included a new Policy numbered D.8.6. Therefore, one of the policies must be renumbered.

- 33) Subsection D.8- Interpretation, **new Policy D.8.7.** be revised by adding the words '*and Schedule "B-3"*' between the words "Schedule "B" and "as SPECIAL POLICY AREA 1", so the entire Policy reads as follows:

"8.7 The lands shown on Schedule "B" *and Schedule "B-3"* as SPECIAL POLICY AREA 1 ("1a", "1b" and "1c") are located within the Niagara Escarpment Plan...."

Rationale:

See Item 4.

- 34) The terms 'Minster of the Environment', 'Ministry of the Environment' and 'Ministry of Environment' be changed to "Ministry of Environment and Energy" as contained in the following Policies:

- i) A.2.9.3.8
- ii) B.3.1.12
- iii) C.4.4
- iv) C.4.5

Rationale:

The changes are required to reflect the current name of the Ministry.

JHE

CHANGES TO THE OFFICIAL PLAN SCHEDULES

ITEM	SCHEDULE	LOCATION	CHANGE REQUIRED	REASON
1	A	North side of Limeridge Road E. between Upper Wellington and Upper Wentworth Streets	Redesignation from Residential to Open Space	Redesignation to more accurately reflect designations in the Bruleville Neighbourhood Plan (2 parcels)
2	A	South of Rymal Road East between Upper Wentworth Street and Upper Sherman Avenue	Redesignation from Residential to Open Space	Inadvertently omitted from Schedule "A"
3	A	South of King Street between Quigley Road and Greenhill Avenue	Redesignation from Residential to Open Space	Redeliniation to more accurately reflect open space areas in the Gershome Neighbourhood (2 parcels)
4	A	Bruleville Neighbourhood (between Upper Wellington, Upper Wentworth, Mohawk and Rymal Roads)	Redesignation from Residential to Major Institutional	Readjustment to more accurately reflect School Board sites in the Bruleville Neighbourhood (2 parcels)
5	A	East side of Greenhill Avenue south of King Street	Redesignation from Residential to Major Institutional	Readjustment to more accurately reflect School Board site in Gershome Neighbourhood
6	A	North of the CNR Railway tracks, between Parkdale and Woodward Avenues	Redesignation from Residential to Utilities	Readjustment to more accurately reflect the hydro corridor
7	A	West side of Upper Wentworth Street, south of Mohawk Road	Redesignation from Commercial to Residential	Official Plan Amendment No. 67 inadvertently redesignated a larger portion of the lands to Commercial than was required

ITEM	SCHEDULE	LOCATION	CHANGE REQUIRED	REASON
8	A	South side of Barton Street, between Strathearn and Parkdale Avenues	Redesignation from Commercial to Residential	Readjustment to more accurately reflect the existing residential use
9	A	No. 402 Upper Wentworth Street (south of Concession Street)	Redesignation from Major Institutional to Residential	Deletion of the former Inverness school site which has been redeveloped for residential purposes
10	A	Bruleville Neighbourhood, (between Upper Wellington, Upper Wentworth, Mohawk and the Expressway)	Redesignation from Major Institutional to Residential	Readjustment to more accurately reflect School Board sites in the Bruleville Neighbourhood (2 parcels)
11	A	North of Limeridge Road East, between Upper Wellington and Upper Wentworth Streets	Redesignation from Open Space to Residential	Readjustment to more accurately reflect the existing residential use
12	A	Nos. 1964 to 1968 Main Street W.	Redesignation from Open Space to Residential	Readjustment to more accurately reflect the existing residential use
13	A	Nos. 2738 and 2744 King Street E.	Redesignation from Open Space to Residential	Readjustment to more accurately reflect the existing residential use
14	A	West side of Kimberly Drive north of Greenhill Avenue	Redesignation from Open Space to Residential	Readjustment to more accurately reflect the existing residential use
15	A	Thornier Neighbourhood between Upper Sherman Upper Wentworth, Mohawk and the Expressway	Redesignation from Open Space to Residential	Readjustment to more accurately reflect the existing residential use

ITEM	SCHEDULE	LOCATION	CHANGE REQUIRED	REASON
16	A	Bruleville Neighbourhood (between Upper Wellington, Upper Wentworth, Mohawk and the Expressway)	Redesignation from Open Space to Major Institutional	Readjustment to more accurately reflect Park site in the Bruleville Neighbourhood
17	A	East side of Dartnall Road, between Stone Church and Rymal Roads	Redesignation from Open Space to Industrial	Readjustment to more accurately reflect the industrial area
18	A	South side of Rymal Road between Pritchard and Dartnall Roads	Redesignation from Open Space to Industrial	Readjustment to more accurately reflect the industrial area
19	A	South of Cumberland Avenue, between Wellington Street and Gage Avenue	Redesignation from Open Space to Utilities	Redesignation to reflect the CP Kinnear Yard and environs
20	A	North of Barton Street, between Parkdale and Strathearn Avenues	Redesignation from Open Space to Utilities	Readjustment to more accurately reflect the hydro corridor
21	A	Main Street to Cannon Street between Ottawa Street and Kenilworth Avenue	Redesignation from Utilities to Residential	Readjustment to more accurately reflect the hydro corridor
22	A	Cannon Street and Barton Street between Kenilworth Avenue and Strathearn Avenue	Redesignation from Utilities to Residential	Readjustment to more accurately reflect the hydro corridor

ITEM	SCHEDULE	LOCATION	CHANGE REQUIRED	REASON
23	A	North of the CNR tracks, west of Woodward Avenue	Redesignation from Utilities to Residential	Readjustment to more accurately reflect the hydro corridor
24	A	No. 635 Upper Wentworth Street (The Barn)	Redesignation from Utilities to Commercial	Redesignation to reflect the commercial use
25	A	West side of Kenilworth Avenue, south of Cannon Street	Redesignation from Utilities to Commercial	Readjustment to more accurately reflect the hydro corridor
26	A	East of Pritchard Road both north and south of Rymal Road E.	Redesignation from Utilities to Commercial	Readjustment to more accurately reflect the hydro corridor
27	A	East of Pritchard Road both north and south of Rymal Road E.	Redesignation from Utilities to Industrial	Readjustment to more accurately reflect the hydro corridor
28	A	Barton Street and the CNR Tracks, between Strathearn and Parkdale Avenues	Redesignation from Utilities to Industrial	Readjustment to more accurately reflect the hydro corridor
29	A	North of the CNR Tracks, east of Parkdale Avenue	Redesignation from Utilities to Industrial	Readjustment to more accurately reflect the hydro corridor
30	A	West side of Woodward Avenue, south of Burlington Street	Redesignation from Utilities to Industrial	Readjustment to more accurately reflect the hydro corridor
31	A	South of Cumberland Avenue, west of Gage Avenue	Redesignation from Industrial to Utilities	Redesignation to reflect the CP Kinnear Yard and environs

ITEM	SCHEDULE	LOCATION	CHANGE REQUIRED	REASON
32	A	North and south sides of Aberdeen Avenues, east of Longwood Road	Redesignation from Industrial to Utilities	Redesignation to reflect the CP Aberdeen Yard
33	A	Barton Street and the CNR Tracks, between Strathearn and Parkdale Avenues	Redesignation from Industrial to Utilities	Readjustment to more accurately reflect the hydro corridor
34	A	North of the CNR Tracks, east of Parkdale Avenue	Redesignation from Industrial to Utilities	Readjustment to more accurately reflect the hydro corridor
35	A	East of Pritchard Road, north Rymal Road E	Redesignation from Industrial to Utilities	Readjustment to more accurately reflect the hydro corridor
36	A	West of Pritchard Road, south Rymal Road E.	Redesignation from Industrial to Utilities	Readjustment to more accurately reflect the hydro corridor
37	A	East of Dartnall Road, both north and south of Rymal Road E.	Redesignation from Industrial to Commercial	Redesignation to reflect commercial use of the lands
38	B	North-east corner of Upper Wellington Street and Stone Church Road	Delete Special Policy Area 17	The lands are used by the Mount Hamilton Christian Homes for a two-family dwelling; zoning for electronics communications business repealed
39	B	North and south sides of Aberdeen Avenues, east of Longwood Road	Delete lands from Special Policy Area 11	SPA 11 not required since the lands are to be designated Utilities (CP Aberdeen Yard)
40	B	Area bounded by Strathearn Avenue, Burlington Street, Woodward Avenue, Barton Street	Remove lands from Special Policy Area 11	SPA 11 not required since the lands are to be designated Utilities (Hydro Corridor) (several parcels)

ITEM	SCHEDULE	LOCATION	CHANGE REQUIRED	REASON
41	B	Area bounded by Strathearn Avenue, Burlington Street, Woodward Avenue, Barton Street	Add lands to Special Policy Area 11	SPA 11 required since the lands are to be designated Industrial
42	B	Area bounded by Centennial Parkway, Barton Street, Grays Road and the QEW	Remove lands from Special Policy Area 11	SPA 11 not required since the lands are to be designated Utilities (Hydro Corridor) (3 parcels)
43	B	Area bounded by Centennial Parkway, Barton Street, Grays Road and the QEW	Add lands to Special Policy Area 11	SPA 11 required since the lands are to be designated Industrial
44	B-3	East Mountain Industrial - Business Park	Delete the existing Schedule and replace it with a new Schedule B-3	The existing Schedule is not an accurate scale. It simpler to replace the entire Schedule with a more accurate delineation of the boundaries
45	C	North of Queenston Road, west and east sides of Lake Avenue	Remove Lands from Hazard designation	Readjustment to more accurately reflect the existing residential use, in accordance with OPA #110
46	C	West of Pritchard Road, north of Rymal Road East	Remove Lands from Hazard designation	Readjustment to more accurately reflect the existing industrial uses, as result of OPA #125
47	D	East of the City limits, north of Main Street West	Add lands to the Environmentally Sensitive Areas	Dundas Valley ESA inadvertently omitted from Schedule
48	D	East of Kenilworth Avenue, North of Greenhill Avenue	Remove lands from Environmentally Sensitive Area	Readjustment to more accurately reflect existing residential use on Kimberly Avenue

PRD 1994 July 20 Tabled to
Subsequent PRD Mtg

7a)

OFFICE OF THE CITY CLERK

MEMORANDUM

TO: Tina Agnello, Secretary
Planning and Development Committee

YOUR FILE:

FROM: Mr. J. J. Schatz
City Clerk

OUR FILE:

PHONE: 546-2727

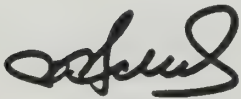
SUBJECT: **Demolition of:**
(a) 131 Forest Avenue
(b) 137 Forest Avenue

DATE: 1994 June 29

Please be advised that Council at its meeting of 1994 June 28th, referred back Items 10.(a) and (b) of the **TENTH** Report for 1994 of the Planning and Development Committee as follows:

"10. That the Building Commissioner be authorized to issue a demolition permit for:

- (a) 131 Forest Avenue
- (b) 137 Forest Avenue"



TA/dbm

c.c.- Alderman M. Kiss

- Alderman W. McCulloch

- L. King, Building Commissioner

App'd by Committee 1994 June 22
Referred back
App'd by Council 1994 June 28

7ai)

CITY OF HAMILTON

- RECOMMENDATION -

JUN 14 1994

DATE: 1994 June 13

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
131 FOREST AVENUE - Tag Number 91932
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 131 FOREST AVENUE.


FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: E-3 (Multiple Dwellings)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Low Rental Housing

BRIEF DESCRIPTION: 2 storey brick veneer dwelling

The proposed use on the submitted application is Low Rental Housing for this land. However, the Housing Division of this Department nor the Planning Department can confirm this proposal. The house was of interest to LACAC, however, we have been notified that the building is no longer considered worthy of designation and LACAC is not objecting to the demolition. Lot size 32.8' x 132'.

The owner of the property as per the demolition permit is:

Community Network
403 King Street West
Hamilton, Ontario


EB/zr

App'd by Committee 1994 June 22
Refined ~~App'd~~ *Back* by Council 1994 June 28

7a ii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1994 June 13

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
137 FOREST AVENUE - Tag Number 91933
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 137 FOREST AVENUE.


FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: E-3

PRESENT USE: Single Family Dwelling

PROPOSED USE: Low Rental Housing

BRIEF DESCRIPTION: 2 storey wood frame dwelling

The proposed use on the submitted application is Low Rental Housing for this land. However, the Housing Division of this Department nor the Planning Department can confirm this proposal. The house was of interest to LACAC, however, we have been notified that the building is no longer considered worthy of designation and LACAC is not objecting to the demolition. Lot size 32.8' x 132'.

The owner of the property as per the demolition permit is:

Community Network
403 King Street West
Hamilton, Ontario


EB/zr

76 i)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1994 August 18 **AUG 18 1994**

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
131 FOREST AVE
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to refuse a demolition permit for 131 FOREST AVENUE.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "E-3" Multiple Dwelling (Map E-5)

PRESENT USE: Single Family Dwelling

PROPOSED USE: 10-bed Residential Care Facility

BRIEF DESCRIPTION: 2 storey brick veneer dwelling

On July 26, 1994 City Council approved a policy for demolitions in the Central Area. This application falls within this area. Therefore, the demolition application should be denied until such time that a building permit is issued for the new building. LACAC interest was deleted from property. Lot size 32.8' x 132'.

NOTE: As of this date, no plans have been received for the proposed new building.

The owner of the property as per the demolition permit is:

Community Network
403 King Street West
Hamilton, Ontario

EB/zr

76111)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 August 18 **AUG 18 1994**
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee
FROM: L.C. King, P. Eng.
Building Commissioner
SUBJECT: Demolition of:
137 FOREST AVENUE
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to refuse a demolition permit for 137 FOREST AVENUE.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: E-3 Multiple Dwellings (Map E-5)
PRESENT USE: Single Family Dwelling
PROPOSED USE: 10-bed Residential Care Facility
BRIEF DESCRIPTION: 2 storey wood frame dwelling

On July 26, 1994 City Council approved a policy for demolitions in the Central Area. This application falls within this area. Therefore, the demolition application should be denied until such time that a building permit is issued for the new building. LACAC interest was deleted from property. Lot size 32.8' x 132'.

NOTE: As of this date, no plans have been received for the proposed new building.

The owner of the property as per the demolition permit is:

Community Network
403 King Street West
Hamilton, Ontario

EB/zr

**PLASTIQUES M&R PLASTICS INC.**509 RUE LINDBERGH ST., LAVAL (QUÉBEC), CANADA H7P 2N8
TÉL.: 1 (514) 622-8011 FAX: (514) 628-3290

8a)

VTO: _____

Tina Agnello

DATE: _____

Aug 08 1994

VTN: _____

N° de pages

N° of pages (incl. celle-ci/this one) _____

5

N° du télécopieur:
Fax no. _____De/From:
Objet/Subject _____

Attached

Regards

Geoff Jones

(905) 527-2763

*Distributed to: D. Carson, Executive Assistant to the Mayor; V. Abraham,
Director of Local Planning; P. Noël Johnson, City Solicitor, A. Zuidema, Law
Department, M. Main, Traffic Department, L. King, Building Commissioner, D. Lobo,
Director of Public Works - 1994 Aug 9

IUED FROM 514 628 3298

4.15.1994 11:18

P. 1

AUG 08 1994

August 05, 1994

Ms. Tina Agnello
Planning and Development Committee
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Tina,

Re- P&D Committee's approval of a controlled access gate between Taco Bell's property and the alleyway immediately north thereof.

This letter will be very simple and very short.

The residents of New Street, who were never informed of the Taco Bell development to begin with, are outraged with what has become reality in terms of the vehicular and pedestrian traffic in the alleyway which separates the Taco Bell Restaurant from what was a quiet residential neighborhood. In fact, even the Hamilton Police who were contracted to monitor the Restaurant premises for a two week period, confirmed that there are serious problems with the alleyway in question.

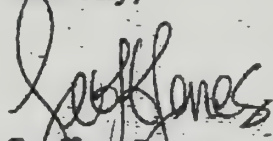
The Representatives from Taco Bell have made it very clear to the residents of New Street that regardless of the P&D Committee's approval, they have no intentions of providing a controlled access gate. The result is that during peak restaurant hours, the alleyway becomes a parking lot for vehicles and a hang-out for pedestrians. One of our neighbors in fact, has been forced to chain off his driveway to prevent any further destruction of his property.

(2)

Therefore, on behalf of the residents of New and Dundurn Streets, we ask that this issue be recalled to the next meeting of the P&D Committee for further discussion.

NOTE- Due to construction on Dundurn Street, the alleyway has been closed and therefore all Taco Bell Customers are required to exit onto Main Street. It does not appear to be a problem so why does Taco Bell require the alleyway period?

Sincerely,



Geoffrey Jones
66 New Street

cc- V.J Abraham
Alderman Mary Kiss

Copy from Alderman Mary Kiss

Planning and Development Committee

- 4 -

1994 May 25

John Arians, Planning Consultant, Planning Initiatives; Serge Manchia, Planning Initiatives; and, Peter DeSantis, representing the owner, were in attendance requesting the Committee's consideration in approving this Zoning Application.

Mr. Manchia advised Committee Members that an informal public meeting was held on 1994 March 2 to advise the neighbourhood residents of the owner's intentions to develop sixteen townhouse units on this property. A rendering of the proposed development was shown for the Committee's information.

Alderman D'Amico, ward Alderman, asked that the Committee support this application.

Given the above, the Committee did not support staff's recommendation for denial and approved the following:

That approval be given to Zoning Application 94-07, Homes By DeSantis Inc. (In Trust), prospective owner, requesting a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District, to permit the development of sixteen (16) townhouse units for lands located at 819 Upper Paradise Road, as shown on the attached map marked as Appendix "C", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District; and,
- (b) That the Director of Local Planning be directed to prepare a By-law to amend Zoning By-Law No. 6593 in a form satisfactory to the City Solicitor, and Zoning District Map W-27C for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
- (d) That the Gilkson Neighbourhood Plan be amended by redesignating the subject lands from "Single and Double Residential" to "Attached Housing".

5.

DELEGATION

DRAFT

Concerns of New Street Residents re: Taco Bell Development on Main Street West

The Committee was in receipt of a letter dated 1994 May 18 from Alderman Mary Kiss outlining the neighbours concerns respecting the new Taco Bell development on Main Street West.

Vacation
In Alderman Kiss' absence, Alderman Terry Cooke was in attendance to bring the Committee up to date on the residents' concerns respecting the use of the alleyway abutting their properties, by vehicles and pedestrians visiting the restaurant.

The Committee was also in receipt of a letter dated 1994 May 24 from Mr. and Mrs. David McQuilkin, 60 New Street outlining their concerns that they were not notified of the Committee of Adjustment meeting held on 1993 November 10 and that the public directly impacted by this new development were not given an opportunity to comment on the proposed development. Mr. McQuilkin was in attendance and brought to the Committee's attention that the 1993 November 10 minutes of the Committee of Adjustment meeting made no mention that access to the alleyway had been approved and requested clarification on this matter. Mr. McQuilkin added that in meeting with Taco Bell's Architect, the residents were assured that access to the alleyway would only be used for service vehicles.

Ron DeLoe 716-262-6938

Planning and Development Committee - 5 -

1994 May 25

DRAFT

Jeff Jones, 66 New Street, was also in attendance and advised Committee Members that the residents are willing to work with Taco Bell to resolve this matter but also expressed his concern that residents were not notified of the Committee of Adjustment meeting.

Mr. Tucker, 75 Dundurn Street South, was also in attendance to express his concerns respecting his own personal safety when entering the alleyway to park his vehicle in his parking space which is located at the rear of his property.

A copy of a letter dated 1994 May 24 from Domus Architects indicating Taco Bell's position on this matter was also circulated for the Committee's information.

Ronald Dee, National Development Manager for Taco Bell was in attendance and advised Committee Members that Taco Bell did meet with the residents whose property abuts the new development. Mr. Dee added that access to the laneway is necessary for the development and added that Taco Bell would not have proceeded with this site if access to the alleyway was not permitted.

Mr. Dee added that Taco Bell did enter and complete a long and detailed Site Plan Application that was approved by the City and that Taco Bell is willing to modify the curbing, install steel bollards and appropriate signage so that traffic will be encouraged to exit onto Dundurn Street. The Committee was also advised that Taco Bell is willing to hold monthly meetings with the area residents after the restaurant's opening to discuss any ongoing concerns they may have.

After considerable discussion, the Committee approved the following:

- (a) That Taco Bell be requested to provide a controlled access gate between its property and the assumed alleyway immediately north thereof and that controlled access to the alleyway be in place by the restaurant's opening in 1994 June; and,
- (b) That the Planning and Development Committee accept Taco Bell's offer to install steel bollards and appropriate signage in the alleyway so that any exiting traffic will be directed to Dundurn Street and that this agreement be built into the Site Plan; and,
- (c) That the City Solicitor be requested to give a legal opinion on the circularization of notices for Committee of Adjustment meetings given that a number of residents in the area indicated that they did not receive notice of the 1993 November 10 meeting and that the City Solicitor also review the wording of the Committee of Adjustment approval to determine whether or not access to the alleyway north of the property was granted to Taco Bell.

COMMISSIONER OF PLANNING AND DEVELOPMENT

6. City Initiative 90-F, Consideration of the Elimination of the Reduced Parking Standards for New Commercial Development and/or Redevelopment in the Central Business District, and the Application of the "Cash-in-lieu" of Parking Policy.

The Committee was in receipt of a report dated 1994 May 5 from the Commissioner of Planning and Development respecting the above-noted matter.

The Committee amended recommendation (c) of the staff report by adding the words "in the Central Business District" after the words "parking requirements". The Committee approved the following as amended:

"Distributed to: D. Carson, Executive Assistant to the Mayor; V. Abraham, Director of Local Planning; P. Noé Johnson, City Solicitor, A. Zuidema, Law Department, M. Main, Traffic Department, L. King, Building Commissioner, D. Lobo, Director of Public Works - 1994 Aug 9.

86

Mr. Michael Tucker
Property Owner
75 Dundurn Street South
Hamilton, Ontario
L8P 4J9

August 5, 1994

Mayor Robert Morrow
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

AUG 09 1994

RE: Taco Bell Development - Main Street West
and the Public Laneway

Dear Sir:

I am writing to you regarding my concerns of the new Taco Bell development located at 460 Main Street West, Hamilton. My main concerns are respecting the use of the laneway North of the development abutting my property at 75 Dundurn Street South.

On November 10, 1993 I was invited to the Committee of Adjustment Hearing to discuss my concerns of the variance changes for the Taco Bell Development. My primary concern was the usage of the laneway that abutts my property. I provided pictures for the members of the Committee of Adjustment and Taco Bell representatives Mr. Ronald Dee, National Development Manager and Mr. Domenic A. Meffe, Arch., explaining how the usage of the laneway would affect my safety and quality of life. Mr. Meffe assured me and other residents (names avail. upon request) that the laneway would be used for service vehicles only. I was satisfied with that and welcomed Taco Bell as my new neighbor. I did not appeal the desicion of approval for the development because I was satisfied with the compromise I made within myself to have the laneway used for service vehicles only.

During the stages of construction I obtained information from the Prime Contractor (Brittany Const.) that the laneway was going to be used as an exit for patrons exiting on to Dundurn Street. I attended a Planning and Development Committee meeting on May 25, 1994 and expressed my concerns of the usage of the laneway. After considerable discussion, the Committee approved that Taco Bell be requested to provide a control access gate between its property and the assumed alleyway immediately North thereof and that controlled access to the alleyway be in place by the restaurant's opening in June 1994. The restaurant has been opened for over a month and Taco Bell did not comply with the Committee's request.

The effects of Taco Bell's patrons using the laneway to exit onto Dundurn Street has a tremendous affect on my personal safety and quality of life.

SAFETY FACTORS:

1. When I enter the laneway from Dundurn Street and proceed to my rear driveway I usually meet headon with a patron exiting Taco Bell into the laneway, the driver expects me to reverse back out onto Dundurn Street, I refuse to reverse out onto a busy street.
2. When I walk down the laneway from my side home entrance or my backyard gate I am restricted by my fence and Taco Bell's fence. I am walking down the laneway with appr. two (2) feet on each side when vehicles are exiting onto Dundurn Street, Vans with wide mirrors create a greater threat.
3. Taco Bell's Fence creates a blind spot for patrons exiting. They cannot see if pedestrians or oncoming vehicles are in the laneway until they complete their turn onto the laneway.
4. When I am maintaining my grounds in the laneway eg., pulling weeds from picket fence, patrons exiting Taco Bell come within one (1) foot of my fence before completing their turn. The blind spot while making the turn makes the situation worse. During the first few weeks of the restaurant's opening Officers from the Hamilton Wentworth Regional Police were hired by Taco Bell to monitor activity on their property from opening to closing hours. I have reported incidents to various Officers on duty and documented date, times, and badge numbers all available upon request. The incidents are: near head on collision in laneway from Taco Bell laneway, vehicle came within inches of hitting me while I was walking from the front entrance of my house to my rear driveway. Officers escorted vehicles out of my rear driveway when Taco Bell's parking lot was full.

I fully understand that whenever I am in the public I have to use extreme caution wherever I go. But until Taco Bell began using the laneway for an exit for their patrons I only had to contend with eleven (11) residents using the laneway, now it's like another road. I truly believe that all of the safety concerns would be totally eliminated if Taco Bell would install a control access gate for service vehicles only, using an access card to activate the gate, or have the project back into the planning stages for a total review.

QUALITY OF LIFE

1. My Living Room and Dining Room get engulfed with exhaust fumes when the vehicles from Taco Bell are lined up in the laneway waiting to exit onto Dundurn Street.
2. Litter from Taco Bell wrappers are found on my rear driveway, lawn, and wedged between my picket fence.
3. I installed a chain across my rear driveway to prevent Taco Bell patrons from parking in my driveway at my own expense.

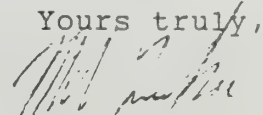
4. Installed a gate facing the laneway for extra privacy at my own expense.
5. Installed reflectors, and a six (6) foot dilineator on the side of the structure of my house to prevent property damage at my own expense.

I feel that the City of Hamilton has failed me by approving such a site plan and allowing Taco Bell to use the laneway as an exit onto Dundurn Street. Especially after I explained all of my concerns to the Committee of Adjustment on November 10, 1993. Mr. Mayor Morrow will you please help me resolve this situation. The control access gate for service vehicles only as requested by the Planning and Development Committee would solve all of my concerns. The only alternative would be to place the project back into the planning stages, at least then I could stand a chance in resolving the problems with the laneway. I work very hard for my living, when I come home I just want to relax and feel safe in my home.

I hope we can work together with City Officials to resolve the situation. If you require any additional information, feel free to contact me at 75 Dundurn Street South, Hamilton, L8P 4J9, 523-7921.

I look forward to hearing from you and City Officials in the near future.

Yours truly,



Michael Tucker

pc: Alderman M. Kiss, Ward 1

pc: Alderman T. Cooke, Ward 1

pc: L. C. King, Building Commissioner

pc: P. Fisher, Secretary-Treasurer

pc: P. Noé Johnson, City Solicitor

pc: V J. Abraham, M.C.I.P.
Director, Regional Planning Division

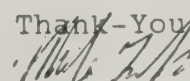
pc: Ronald Dee, National Development Manager, Taco Bell

pc: Murray F. Main, Director of Traffic Services

pc: J. D. Thomas, Commissioner of Planning and Development

pc: Tina Agnello, Secretary, Planning and Development Committee

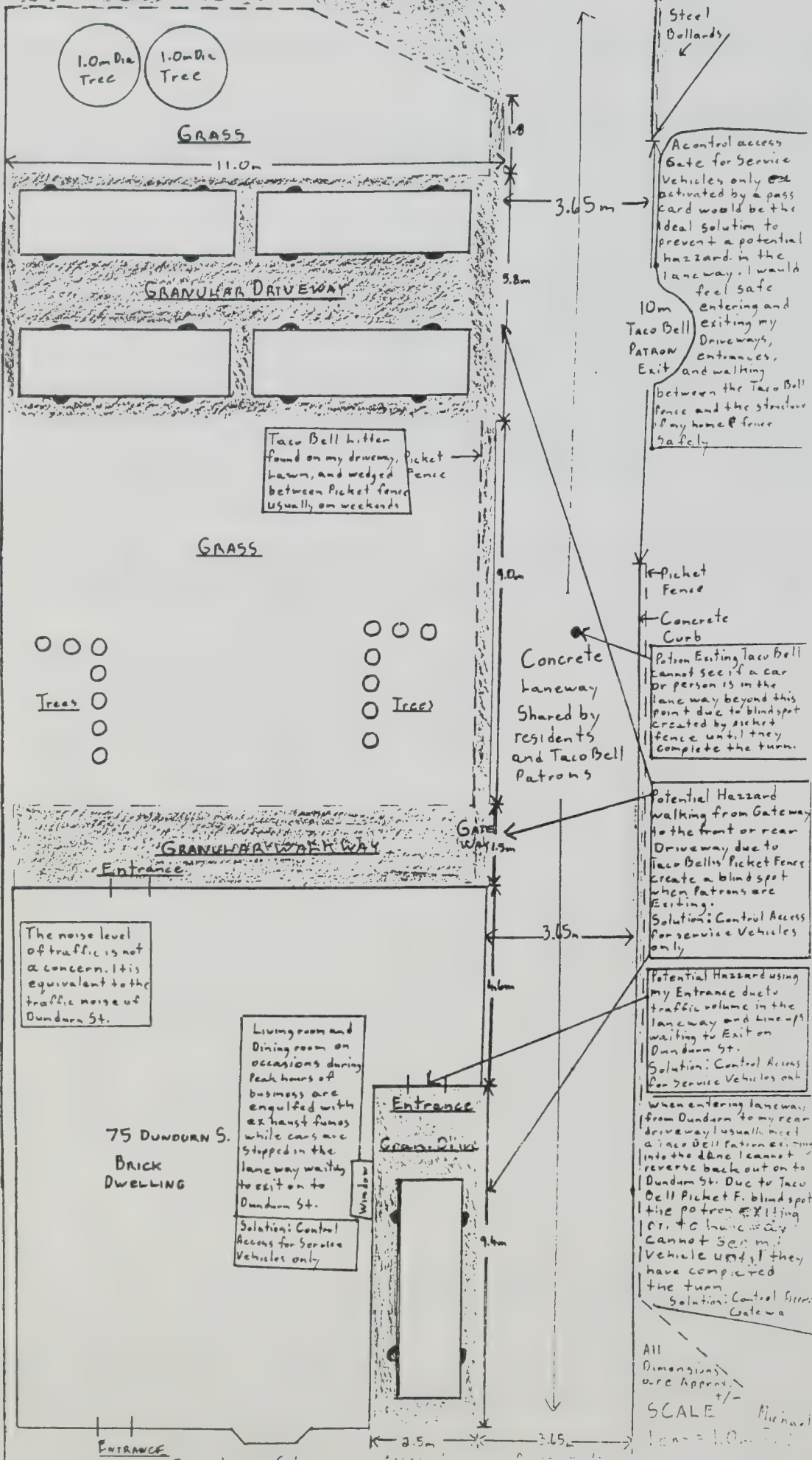
PS: Ms. Agnello I would appreciate being notified of any Committee Hearing concerning Taco Bell Development and the Residents taking place any time in the near future.

Thank-You


Michael Tucker

by the City Winter or Summer 3.70m wide

N



All Dimensions are Approx. +/-
SCALE 1cm = 1.0m

9.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 August 16

AUG 16 1994

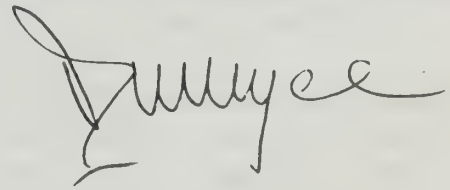
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: D. W. Vyce
Director of Property

SUBJECT: Hamilton Firefighters Drum Corps Inc. Practice Facility
on City owned leased land - 175 Dartnall Road -
Exemption from Requirement for Security Deposit for
Site Development

RECOMMENDATION:

That the Hamilton Firefighters Drum Corps Inc. be exempt from the City policy of having to provide a security deposit for site development in connection with Site Plan Control application DA-94-08, the development of a practice facility on City land leased to the Corps at 175 Dartnall Road, Hamilton.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no adverse financial implications to the City. In the event the Corps does not fulfill the provision of the Site Plan or the covenants of the lease, the City can terminate the long term land lease with the Corps. This is the City's insurance that the work will be done.

BACKGROUND:

On 1993 December 14 City Council approved of entering into a 25 year land lease agreement with the Hamilton Firefighters Drum Corps Inc. so that the Corps could erect a new practice facility at 175 Dartnall Road, Hamilton.

On 1993 February City Council approved of the granting of an interest free loan to a maximum amount of \$300,000 to be used towards the cost of building the practice facility.

Since that time the Corps and their consultants have been devoting their time to the preparation of building plans for the development.

Development of the site also calls for the proponents to enter into a Site Plan Agreement. The Corps has been working with staff and an Agreement has been developed.

According to the policy of City Council adopted on 1993 May 11 and amended on 1994 May 10, developers of land with proposals under Site Plan Control must deposit with the City, a sum of money as security to ensure that the exterior site works required by the approved Site Plans are in fact put in place. This includes grading, landscaping, curbing, paving, etc. In this particular case the Corps is being asked by the City to provide a security deposit of \$77,250 which will be held by the City Treasury Department in a non interest bearing account and returned to the developer once the exterior works are complete.

The Corps has asked if it could be exempt from the requirement of providing the security deposit. The Corps quite simply is finding the requirement financially onerous. At the very least, if it has use of these funds, interest could be earned, thereby generating much needed revenue to the Corps of approximately \$2,300 over a six month time period. There will be of course construction draws and consultant fees to pay; the availability to use the so-called deposit funds would greatly assist the Corps in their cash flow on the project.

Our Department believes the request of the Corps to be exempt from the site development security deposit is worthy of consideration and we are prepared to recommend it for approval for the following reasons:

1. Tenders for the construction of the building have been received and are greater than expected, partly due to the fact that the building is larger than originally anticipated. The Corps, wishing to comply with the City's request to make space available to other non-profit groups, clubs or organizations similar to the Corps for meeting, practice, social or other related purposes, felt that a larger building was warranted. The result was a greater cost. An exemption from the security deposit will assist their cash flow and aid in their overall financing of the project.
2. Unforeseen soil conditions have been encountered which have inflated the overall cost of the project and once again, the exemption from the security deposit would assist in meeting the problem.
3. This situation is rather unique in that the Corps' building will be situated on land leased to it by the City. The draft lease drawn by our Law Department includes a standard development covenant calling for the Corps to construct a building within a specified period of time in accordance with Detail Plans submitted to the City. The Detail Plans include landscaping and other site developments. If the Corps fails to substantially complete or fully complete the building within the specified periods

of time, the Corps has then breached the covenants of the lease and the City has two remedies to consider, either (1) terminate the lease and repossess the property or (2) cure the default itself in which case the Corps will reimburse the City upon demand.

In other words, in my opinion, the lease as currently proposed covers the City in the event the Corps does not adhere to the Site Plan and the exterior site improvements. The City has the remedy to ensure compliance.

As a result of the above, it is my opinion that it is not necessary to ask the Hamilton Firefighters Drum Corps Inc. to provide a site development security deposit and therefore the Corps should be exempt in this unique circumstance.

DWV/dcr

- c.c. Alderman H. Merling, Alderman, Ward 7
- Joe Pavelka, P. Eng., Chief Administrative Officer
- D. Powers, Manager, Property Law Division, Law Department
- A. Zuidema, Solicitor, Law Department
- V.J. Abraham, M.C.I.P., Director, Regional Planning Division
- J. Sakala, Senior Landscape Architect, Planning & Development Department
- M. Watson, Manager, Real Estate Division, Property Department

CITY OF HAMILTON
- RECOMMENDATION -

AUG 17 1994

DATE: 1994 August 17
(P5-2-5)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

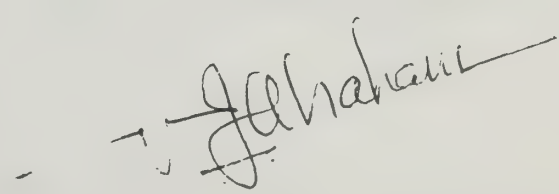
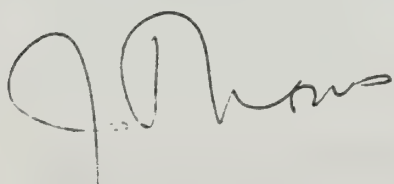
FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V.J. Abraham
Director of Local Planning

SUBJECT: Terms of Reference for Albion Falls Modified
Neighbourhood Plan Review - Authorization to
Undertake Study

RECOMMENDATION:

That the Planning and Development Department be directed to carry out a modified Neighbourhood Plan review, as identified in APPENDIX "A", for a portion of the Albion Falls Neighbourhood, more particularly the area bounded by the escarpment, Pritchard and Arbour Roads and the Expressway alignment.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The staffing complement will be allocated through the "Demand Responsive" projects of the Local Planning Branch, without the needs for additional costs.

The timing of the project is approximately 23 days and is expected to start immediately.

BACKGROUND:

A request has been made by the Ward 6 Aldermen to undertake a modified Neighbourhood Plan review. The impetus behind the request is a result of a few factors:

- the delay in the implementation of the open space acquisition, originally identified in 1982;
- the delay in the development of the subdivision on the north side of Mud street adjacent to the City of Stoney Creek boundary for offsetting the cost of purchasing the open space lands;
- a request by an owner for the City to purchase her lands; and,
- a request by area residents to have the lands serviced with water.

STUDY COMPONENTS:

The Review is limited in scope because of the land use options that are to be considered. From a planning perspective, two possible land use options will be examined:

- 1) the retention of the existing OPEN SPACE designations; or
- 2) the use of these lands for residential purposes either by recognizing existing uses and/or allowing additional residential uses.

A Terms of Reference is attached for information.

CONCLUSION:

Based on the above, the Planning and Development Department be directed to carry out a modified Neighbourhood Plan review, as identified in APPENDIX "A", for a portion of the Albion Falls Neighbourhood, more particularly the area bounded by the escarpment, Pritchard and Harbour Roads and the Expressway alignment.

JHE/jhe

TERMS OF REFERENCE

MODIFIED NEIGHBOURHOOD PLAN REVIEW

ALBION FALLS NEIGHBOURHOOD

BACKGROUND:

Location:

The Albion Falls neighbourhood is located on the east mountain between the Escarpment, Stoney Creek boundary, Stone Church Road east, and the CNR rail line. However, the area subject to the modified Neighbourhood Plan Review is only a portion of the Neighbourhood. The subject lands are bounded by the escarpment, Pritchard and Arbour Roads and the Expressway alignment.

Existing Land Uses:

There are approximately 17 single-family dwellings in the area, as well as other vacant lands. They are currently unserviced; water, subsidized by the City, is trucked in and the sewage disposal system is through the use of septic tanks.

There are a number of land owners within the area including the Region, City, Board of Education and private persons.

Purpose of the Study:

A request has been made by the Ward 6 Aldermen to undertake a modified Neighbourhood Plan review. The impetus behind the request is a result of a few factors:

- the delay in the implementation of the open space acquisition;
- the delay in the development of the subdivision on the north side of Mud street adjacent to the City of Stoney Creek boundary for offsetting the cost of purchasing the open space lands;
- a request by an owner for the City to purchase her lands; and,
- a request by area residents to have the lands serviced.

Planning Policies:

1) Official Plan

The subject lands are designated OPEN SPACE. The primary use permitted in OPEN SPACE are undeveloped and developed parks; parks of local or area wide appeal; public or private recreation areas; pedestrian pathways; conservation uses; horticultural nurseries, forestry and wildlife management areas and hazard lands.

2) Neighbourhood Plan

The Albion Falls Neighbourhood Plan was approved by City Council in 1982. The "Open Space" designation on the Plan is consistent with the Official Plan. There were a number of reasons for this designation are as follows:

- this area would be isolated when the expressway was constructed;
- it would also serve as a noise buffer between the freeway and residential lands to the north;
- the lack of municipal services;
- it was a logical extension of the valley;
- its proximity to the escarpment; and,
- these lands provided a link between the Kings Forest area and the open space west of Harbour Road, emphasizing continuous pedestrian trails and providing active and passive recreation.

This area is earmarked as a potential site for a restaurant in the Neighbourhood Plan.

3) Development Control (Niagara Escarpment)

Some of the lands are under the jurisdiction of the Niagara Escarpment Commission. In this regard, any development would require a permit from the NEC.

4) Zoning By-law No. 6593

The remaining lands are under the jurisdiction of the City of Hamilton's Zoning By-law. The lands are zoned "AA" (Agricultural) District. The permitted uses include: single-family dwellings (minimum lot size); school, day nursery, hospital, farming, etc.

MODIFIED NEIGHBOURHOOD PLAN REVIEW:

The Review is limited in scope because of the land use options that are to be considered. From a planning perspective, two possible land use options will be examined:

- 1) the retention of the existing OPEN SPACE designations; or
- 2) the use of these lands for residential purposes either by recognizing existing uses and/or allowing additional residential uses.

Because of the limited number of issues to deal with, a citizen advisory committee is not warranted. However, once a report on the land use is available and if changes to the Plans are desirable, it will be discussed with the area residents and other departments and agencies.

Notwithstanding the two land use options, a cost benefit analysis of the most viable land use option will be undertaken. The analysis would include:

- the purchase of these lots with the monies being advanced through the future sale of the residential lots in the proposed subdivision on Mud Street and the time frames for sale of the lots;
- the cost of purchasing the homes with and without servicing;
- the cost of purchasing publically owned lands;
- the cost of servicing; and,
- the Province's direction vis a vis the funding of an interpretative centre and the disposition of the valley.

a) Staffing and Timing

The variety of factors to be considered with in the context of the review will require the assistance of the Treasury, Property, Freeway Office, Health, and Environmental Services Departments. The majority of the work will be completed by the Planning and Development department.

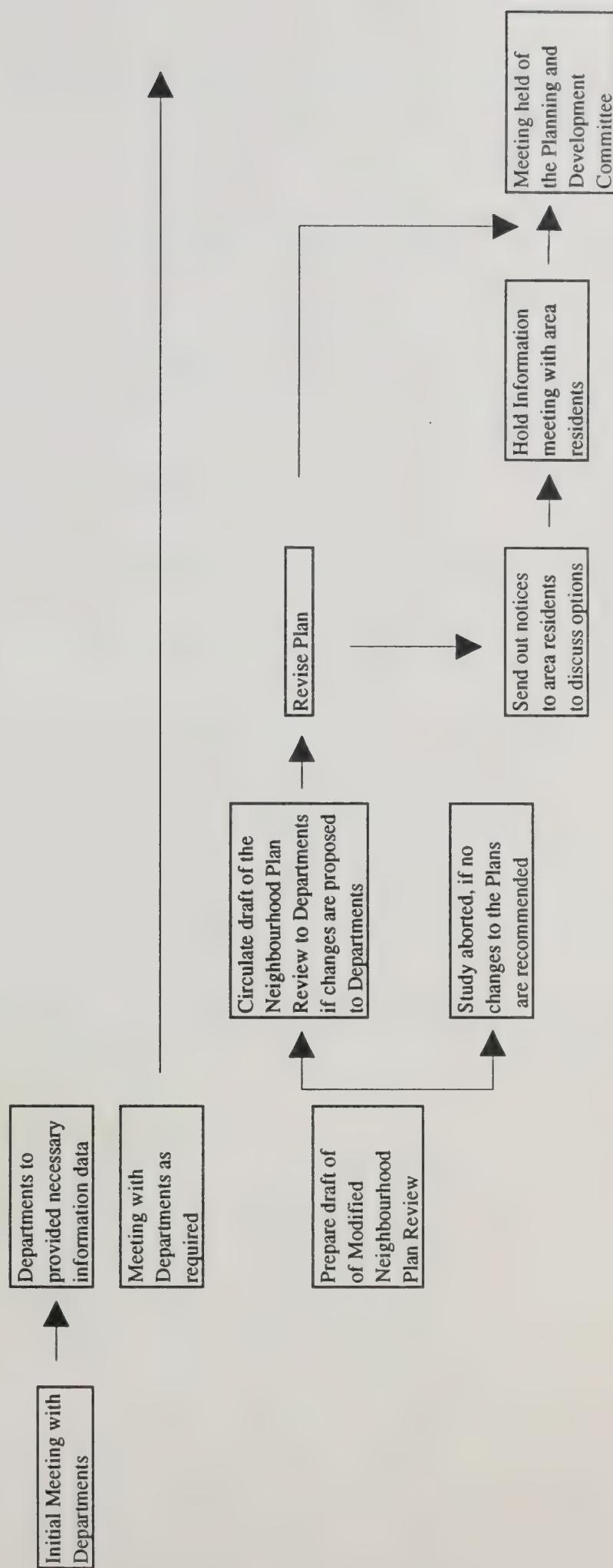
Director of Local Planning	1 day
Division Head, Policy and Neighbourhood Planning	2 days
Planner	15 days
Cartographic Technician	5 days
TOTAL	23 days (elapsed time)

APPENDIX "A" gives an overview of the timing and the process. It should be noted that if this project is to be completed in 1994, it can be accommodated within the time allocated for demand responsive projects.

JHE

albion.np

ALBION FALLS - MODIFIED NEIGHBOURHOOD PLAN REVIEW PROCESS



PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1994 August 24

CONSENT AGENDA

A. ADOPTION OF THE MINUTES

Minutes of the Planning and Development Committee Meeting Held 1994 July 20

B. SENIOR DIRECTOR, ROADS DEPARTMENT

- (a) "Wisemount Estates - Phase 6", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)
- (b) Lot Grading, Greenhill Gardens - Phase 2, Hamilton

C. ACTING DIRECTOR, PUBLIC WORKS

- (a) Sixth Annual Public Service Announcement Competition:
Phase IV of the Downtown Hamilton Action Plan
- (b) Expansion of the Barton General Community Improvement Project Area
- (c) Crown Point East/McAnulty - Community Improvement Project Area
- (d) Community Improvement Programme (C.I.P.) -
International Village, Concession Street and Main Street West
Esplanade Business Improvement Area's (B.I.A.) 1994 requests

D. BUILDING COMMISSIONER

- (a) Demolitions:
 - i) 313 Queenston Road
 - ii) 88 Inchbury Street
 - iii) 100 Dartnall Road
 - iv) 110 Dartnall Road
 - v) 1126 Garth Street
 - vi) 771 West 5th Street
 - vii) 789 West 5th Street
 - viii) 802 West 5th Street
 - ix) 458 Burlington Street East
- (b) Heritage Programme: 316 James Street South

**E. COMMISSIONER OF PLANNING AND DEVELOPMENT/
DIRECTOR OF LOCAL PLANNING**

- (a) Revision to Draft Plan Approval
"Sgro Gardens" Subdivision
- (b) Further Modifications to the Proposed General
Text Amendment to Zoning By-law No. 6593 -
Front Yard Parking for Single, Two, Three-Family
and Converted Dwellings
- (c) Residential Underground Parking Study
- Authorization for Public Meeting

F. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

- (a) St. George's Anglican Church and Sunday School
137 Strathcona Avenue North, Hamilton (10 Tom Street)
- (b) Information Items

The Planning and Development Committee met.

There were present: Alderman D. Drury, Chairperson
Alderman F. Eisenberger, Vice Chairperson
Mayor R.M. Morrow
Alderman D. Wilson
Alderman W. McCulloch
Alderman M. Kiss
Alderman B. Charters
Alderman H. Merling
Alderman F. D'Amico

Also present: Alderman D. Ross
Victor Abraham, Director of Local Planning
Paul Mallard, Planning Department
Bill Janssen, Planning Department
Joanne Hickey-Evans, Planning Department
Mary Lou Tanner, Planning Department
Keith Extance, Planning Department
John Sakala, Planning Department
Nina Chapple, Planning Department
Roland Karl, Traffic Department
Art Zuidema, Law Office
Peter Lampman, Acting Building Department
Brian Allick, Building Department
Don Inglis, Building Department
Bob Chrystian, Public Works Department
Chris Firth-Eagland, Acting Director, Public Works Department
Eugene Chajka, Transport and Environmental Services
Hazel Milsome, Public Works Department
Tina Agnello, Secretary, Planning and Development Committee

1. INTRODUCTION OF NEW BUILDING DEPARTMENT STAFF

The Acting Building Commissioner introduced new members of the Building Department staff to the Committee.

2. SUSPENSION OF THE RULES OF ORDER

The rules of order were suspended in order to hear the Mayor speak on various matters.

(a) Hanging Baskets in the Westdale Village B.I.A.

A discussion ensued with regard to hanging baskets and the various B.I.A.s in Hamilton which would like to have them in their areas.

Alderman Merling felt that the City cannot afford to give to one group and not to the others, especially since budget cuts have been made this year.

Following a brief discussion, the Committee resolved to recommend to Council as follows:

- (a) That the Westdale B.I.A. Be reimbursed by the City of Hamilton in the amount of \$2,252. being the estimated cost for the B.I.A. to water the hanging floral baskets within their business improvement area; and,
- (b) That the Finance and Administration Committee be requested to recommend the method of financing.

PUBLIC MEETINGS

3. Zoning Application 94-10, John LeCluse, In trust, prospective owner, for a change in zoning from "E" District to "H" District, modified, for lands located at the rear of No. 925 Main Street West.

The Committee was in receipt of a report from the Commissioner of Planning and Development and the Director of Local Planning dated 1994 July 12.

Paul Mallard advised that the applicant has requested that the application be tabled for a new date and time to be recirculated.

The Committee concurred and resolved that the matter would be tabled to a later date, at which time it would also be recircularized.

4. Zoning Application 94-12, Barton Retirement Inc., lessee, for a further modification to the established "DE-3" District regulations, for lands located at 1430 Upper Wellington Street.

As recommended by the Commissioner of Planning and Development in a report dated 1994 July 11, the Committee recommended to Council as follows:

- (a) That approval be given Zoning Application ZAR-94-12, Barton Retirement Inc., Lessee, requesting a further modification to the established "DE-3" (Multiple Dwellings) District to permit an increase in the number of nursing home beds for the existing nursing home from 108 to 120, on lands located at 1430 Upper Wellington Street, as shown on the attached map marked as Appendix "A", on the following basis:
 - (i) That the "DE-3" (Multiple Dwellings) District regulations as contained in Section 10C of Zoning By-law No. 6593, as amended by By-law No. 89-313, applicable to the subject lands, be further modified to include the following variances as special requirements:
 - (a) That Clause (a) of Section 2 of By-law No. 89-313 be deleted and replaced with the following:
 - "(a) notwithstanding the provisions of Section 10C(1) of By-law No. 6593, only the following use shall be permitted:

1. a combined two storey 120 bed nursing home and a three storey 83 unit senior citizens multiple dwelling;"
- (b) That Clause (e) of Section 2 of By-law No. 89-313 be deleted and replaced with the following:
 - "(e) notwithstanding TABLE 1 referred to in Section 18A of By-law No. 6593, not less than 78 parking spaces shall be provided and maintained for the combined nursing home/senior citizens multiple dwelling use referred to in clause (a);"
 - (ii) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1140a, and that the subject lands on Zoning District Map E-9C be notated S-1140a;
 - (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, and By-law No. 89-313, and Zoning District Map E-9C for presentation to Council; and,
 - (iv) The proposed change is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That the proposed addition attached hereto as Appendix "B" be exempt from Site Plan Control and that the Building Commissioner be so advised.

5.(a) City Initiative 91-G, - Proposed General Text Amendment to Zoning By-law No. 6593 - Front Yard Parking for Single, Two, Three-Family and Converted Dwellings.

Joanne Hickey-Evans advised that there are three additional modifications to extend front yard parking to three family dwellings to include landscaping requirements for corner lots, which includes 50% of sidelots to be landscaped and to deal with pie shaped lots under special conditions where there are exemptions based on the circumstances.

The Planning Department recommends that the modifications be approved.

Ms. Hickey-Evans further explained that there 2 types of porches - enclosed, which is considered a vestibule and part of the structure, and unenclosed which would be an exempted area.

As recommended by the Commissioner of Planning and Development in a report dated 1994 July 7, the Committee recommended to Council as follows:

That approval be given to City Initiative 91-G, for a further modification to Zoning by-law No. 6593, as amended by By-law Nos. 92-281 and 93-063, for a further modification to the front yard parking regulations for single, two, three-family and converted dwellings, on the following basis:

- (a) That Section 18A(14a) of Zoning By-law No. 6593 be amended by:
- (i) deleting the word "and" between the words "single-family" and "two-family";
 - (ii) adding the words ", and three-family dwelling" between the words "dwelling" and "erected";
 - (iii) replacing the words "parking area" with "parking space"; and,
 - (iv) adding the words "for a single-family dwelling, two-family dwelling and three-family dwelling" between the words "space" and "in";

so the entire clause reads as follows:

"Except for single-family dwellings, two-family dwellings and three-family dwellings erected prior to the 14th day of December 1971, no part of a required parking space for a single-family dwelling, two-family dwelling or three-family dwelling in a residential districts shall be located in a required front yard and not less than 50% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel pavers, or other similar materials."

- (b) That Section 18A(14b) of Zoning By-law No. 6593 be amended by:
- (i) deleting the word "and" between the words "single-family" and "two-family"; and,
 - (ii) adding the words ", and three-family dwelling" between the words "dwelling" and "erected";

so the clause reads as follows:

"For single-family dwellings, two family dwellings and three-family dwellings erected prior to the 14th day of December....."

- (c) That Section 18A be amended by adding a new clause as (14c) as follows:

"Where a single-family dwelling, two-family dwelling or three-family dwelling in a residential district is located on a corner lot, parking may be permitted in the side yard that abuts the street line provided that:

- (i) the area for parking shall not occupy more than 50% of the gross area of the side yard; and,
- (ii) not less than 50% of the gross area of the side yard shall be used for a landscaped area excluding concrete, asphalt, gravel pavers, or other similar materials."

- (d) That Section 18A be amended by adding a new clause as (14d) as follows:

"For the purposes of clauses (14a) and (14b), the gross area of the front yard shall be calculated as the area between the front lot line and the front of the principle dwelling and the area extending from the side lot line to side lot line but subtracting:

- (i) unenclosed entrance porches;
- (ii) vestibules;
- (iii) ramps;
- (iv) front steps;
- (v) chimneys;
- (vi) bay windows;
- (vii) ornamental projections;
- (viii) terraces;
- (ix) platforms; and,
- (x) a walkway between the front entrance of the principal dwelling and the street line or driveway with a maximum width of 0.6 m."

- (e) That Section 18A be amended by adding a new clause (14e) as follows:

"For purposes of clause (14c), the gross area of the side yard shall be calculated as the area between the side lot line and a principle dwelling and the area extending from the front yard to the rear yard subtracting:

- (i) unenclosed entrance porches;
- (ii) vestibules;
- (iii) ramps;
- (iv) side steps;
- (v) chimneys;
- (vi) bay windows;
- (vii) ornamental projections;
- (viii) terraces;
- (ix) platforms;
- (x) alcoves;
- (xi) stairwells; and,
- (xii) a walkway located along the side of the principal dwelling between the front line and the rear line of the principle dwelling with a maximum width of 0.6 m."

- (f) That Section 18A be amended by adding a new clause as (14f) as follows:

"Notwithstanding clauses (14a) and (14b), in cases where at least half the front lot line is curved and the landscaped area of the front yard is less than 50%, the following exemptions for the calculation of the gross area of the front yard shall apply:

- (i) a driveway between the front entrance of the garage and the street line with maximum width of:

- (1) 3.0 m for each door of a one, two or three car garage; or,
 - (2) 5.5 m for a double door of a two car garage; and,
- (ii) a walkway between the front entrance of the principal dwelling and the street line or driveway with a maximum width of 0.6 m.

provided all the remaining area shall be landscaped excluding concrete, asphalt, gravel pavers, or other similar materials."

- (g) That Section 19.(1)(v) be amended by adding a new subclause (4) as follows:

"where a side yard abuts a street line, not less than 50% of the gross area of the side yard shall be used for a landscaped area excluding concrete, asphalt, gravel pavers, or other similar materials."

- (h) That Section 19.(1) be amended by adding a new clause (vi) as follows:

"For the purposes of clause 19.(1)(v), the gross area of the front yard shall be calculated as the area between the front lot line and the front of the principle dwelling and the area extending from the side lot line to side lot line but subtracting:

- (i) unenclosed entrance porches;
- (ii) vestibules;
- (iii) ramps;
- (iv) front steps;
- (v) chimneys;
- (vi) bay windows;
- (vii) ornamental projections;
- (viii) terraces;
- (ix) platforms; and,
- (x) a walkway between the front entrance of the principal dwelling and the street line or driveway with a maximum width of 0.6 m."

- (i) That Section 19.(1) be amended by adding a new clause (vii) to define the "gross area of the side yard"

"For purposes of clause 19(1)(v)(4), the gross area of the side yard shall be calculated as the area between the side lot line and a principle dwelling and the area extending from the front yard to the rear yard subtracting:

- (i) unenclosed entrance porches;
- (ii) vestibules;
- (iii) ramps;
- (iv) side steps;
- (v) chimneys;
- (vi) bay windows;
- (vii) ornamental projections;
- (viii) terraces;

- (ix) platforms;
- (x) alcoves;
- (xi) stairwells; and,
- (xii) a walkway located along the side of the principal dwelling between the front line and the rear line of the principle dwelling with a maximum width of 0.6 m."

- (j) That Section 19.(1) be amended by adding a new clause (viii) to deal with percentage of landscaping on pie shaped lots

"Notwithstanding clause 19.(1)(v), in cases where at least half the front lot line is curved and the landscaped area of the front yard is less than 50%, the following exemptions for the calculation of the gross area of the front yard shall apply:

- (i) a driveway between the front entrance of the garage and the street line with maximum width of:
 - (1) 3.0 m for each door of a one, two or three car garage; or,
 - (2) 5.5 m for a double door of a two car garage; and,
- (ii) a walkway between the front entrance of the principal dwelling and the street line or driveway with a maximum width of 0.6 m.

provided all the remaining area shall be landscaped excluding concrete, asphalt, gravel pavers, or other similar materials."

- (k) That Section 19.(2)(vi) be amended by adding a new subclause (4) as follows:

"where a side yard abuts a street line, not less than 50% of the gross area of the side yard shall be used for a landscaped area excluding concrete, asphalt, gravel pavers, or other similar materials."

- (l) That Section 19.(2) be amended by adding a new clause (vii) as follows:

"For the purposes of clause 19.(2)(vi), the gross area of the front yard shall be calculated as the area between the front lot line and the front of the principle dwelling and the area extending from the side lot line to side lot line but subtracting:

- (i) unenclosed entrance porches;
- (ii) vestibules;
- (iii) ramps;
- (iv) front steps;
- (v) chimneys;
- (vi) bay windows;
- (vii) ornamental projections;
- (viii) terraces;
- (ix) platforms; and,

- (x) a walkway between the front entrance of the principal building and the street line or driveway with a maximum width of 0.6 m."

- (m) That Section 19.(2) be amended by adding a new clause (viii) as follows:

"For purposes of clause 19(2)(vi)(4), the gross area of the side yard shall be calculated as the area between the side lot line and a principle dwelling and the area extending from the front yard to the rear yard subtracting:

- (i) unenclosed entrance porches;
- (ii) vestibules;
- (iii) ramps;
- (iv) side steps;
- (v) chimneys;
- (vi) bay windows;
- (vii) ornamental projections;
- (viii) terraces;
- (ix) platforms;
- (x) alcoves;
- (xi) stairwells; and,
- (xii) a walkway located along the side of the principal dwelling between the front line and the rear line of the principle dwelling with a maximum width of 0.6 m."

- (n) That Section 19.(2) be amended by adding a new clause (ix) as follows:

"Notwithstanding clause 19.(2)(vi), in cases where at least half the front lot line is curved and the landscaped area of the front yard is less than 50%, the following exemptions for the calculation of the gross area of the front yard shall apply:

- (i) a driveway between the front entrance of the garage and the street line with maximum width of:
 - (1) 3.0 m for each door of a one, two or three car garage; or,
 - (2) 5.5 m for a double door of a two car garage; and,
- (ii) a walkway between the front entrance of the principal dwelling and the street line or driveway with a maximum width of 0.6 m.

provided all the remaining area shall be landscaped excluding concrete, asphalt, gravel pavers, or other similar materials."

- (o) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,
- (p) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

(b) Alderman D. Drury Re: Ad Hoc Sub-Committee Regarding Front Yard Parking

The Committee moved to receive and take no action on the correspondence.

6. Rental Housing Protection Act Application CD-93-003 - 5-7 Rockwood Place, 9-11 Rockwood Place, 362-366 John Street South and 21-25 Mountwood Avenue; Corktown Neighbourhood

Keith Extance explained that the proposal is for 53 rental apartment units to become condos. There are 24 one bedroom units, 24 two bedroom units and one bachelor apartment. The existing tenants are being given the right to purchase for 10% less than the asking price and they are being given a one-year time period in which to vacate should they wish not to purchase.

In terms of the criteria for rental housing, Mr. Extance advised that as of October, 1993, there are 139 one bedroom units and 45 two bedroom units available for rent in the area, similar to that which is being converted and in the same price range. Mr. Extance stated that the Planning Department recommends approval with conditions.

Alderman McCulloch added that as this will not affect the housing stock and the tenants have one year in which to relocate if they do not wish to stay, that the owners of this building are being quite reasonable and the application should be approved.

As recommended by the Commissioner of Planning and Development in a report dated 1994 July 8, the Committee recommended to Council as follows:

- (a) That approval be given to Application CD-93-003, under the Rental Housing Protection Act, L.A.J.J. Enterprises Inc., owner, for conversion of 53 rental apartment units to condominium units for one property located at 5-7 Rockwood Place, 9-11 Rockwood Place, 362-366 John Street South and 21-25 Mountwood Avenue, subject to the following conditions:
 - (i) That the Owner offer, in writing, to the Tenants named in Appendix "C", the right to lease their current unit, noted in Appendix "C", for a period of not less than one year from the registration on title of the Rental Housing Protection Act (RHPA) Approval Agreement required below, at the rent rate set out in Appendix "C", upon the following minimum terms:
 - (1) the Offer must be made within 45 days of the date this resolution is approved by City Council and shall be open for acceptance by the Tenants for a period of at least 21 days;
 - (2) that leases entered into as a result of (i) above, be executed prior to the City's execution of the RHPA Approval Agreement;
 - (3) that the Tenants' rent shall not be increased during the duration of the lease but for increases permitted under the Residential Rent Regulation Act, as amended;

- (4) that such lease shall commence on the date the Owner's Offer is accepted by signature of the Tenant; and,
 - (5) that the Tenants' may terminate the said lease at any time on 60 days written notice, without penalty.
 - (ii) That the Owner grant to the Tenants named in Appendix "C" an Option to Purchase a Unit specified in Appendix "C", (together with appurtenant interests). Such Option shall allow each tenant at least one year from the registration on title of the RHPA Approval Agreement to exercise their Option to purchase a unit. Within forty-five (45) days of a Tenant's Notice that it is exercising the Option, the Owner and Tenant shall negotiate and enter into an Agreement of Purchase and Sale form, in a form acceptable to the Hamilton Real Estate Board, with the necessary amendments for the sale of a Unit by the Owner, which Agreement shall incorporate the conditions in Appendix "D" annexed hereto;
 - (iii) That the Tenant shall have 30 days from receipt of such Option to sign and return to the Owner a copy of the Option acknowledging that he is interested in having the Option in his/her favour and acknowledging that he/she realizes that a formal Notice in writing to the Owner signed by the Tenant shall be received by the Owner on or before the date for such Notice specified in the Option;
 - (iv) That this RHPA approval shall cease and be at an end,
 - (1) if the Owner has sold the land without entering and registering the RHPA Approval Agreement with the City; and,
 - (2) in any event, within five years from the date of this approval resolution of Council, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton;
 - (v) That the Owner shall enter into a RHPA Approval Agreement with the City satisfactory in form to the Director of Local Planning and to the City Solicitor, incorporating the City's conditions of approval listed herein (and in Appendix "E" annexed hereto) and register such Agreement on title to the subject property prior to the issuance of the RHPA Certificate of Approval;
 - (vi) In the event that the Owner proposes to sell all of the subject lands, he shall ensure that any prospective new land owner of the whole property, enters into an assumption agreement to assume the obligations of the Owner herein; and,
- (b) That upon satisfaction of the above-noted conditions, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.

7. (a) **Rental Housing Protection Act Application DE-93-001 - Nos. 32-326 King Street East; Beasley Neighbourhood**

A submission was received from Mary Pocious of the International Village's B.I.A.

Joanne Hickey-Evans reported that the building is still structurally sound but the building is within the criteria for supply of housing. The vacancy rate for similar units at a similar price range in this area is available.

She advised that approval is contradictory to the actions which the City Council has made to renovate the downtown core. The building is listed on L.A.C.A.C.'s Buildings of Historical Buildings. The applicant has submitted a demolition permit, but based solely on the application under the rental housing criteria, it does meet the criteria and therefore approval is recommended.

Richard Wellenreiter, agent, was present on behalf of the applicant. He stated that it is not economically viable to refurbish the interior of the building which has become very dilapidated. If they are forced to refurbish the building the rental rates would far exceed that which is acceptable. The building has been vacant since July, 1993 and has not been maintained.

Mary Pocious added that the International Village's B.I.A. is concerned with the way the owner of the property has abandoned the building and the property.

Alderman McCulloch added that the building is not in good shape and is not an asset as it is presently. He also added that a vacant is even worse than the present building as it stands and was concerned that the applicants are not indicating what they propose to do on the property.

As recommended by the Commissioner of Planning and Development in a report dated 1994 June 29, the Committee recommended to Council as follows:

That approval be given to Application DE-93-001, under the Rental Housing Protection Act, Hamilton-Lincoln Towers, Inc., owner, for demolition of a mixed commercial/residential building containing three (3) commercial units and eight (8) rental apartment units, for property located at 322-326 King Street East, as shown on the attached map marked as Appendix "F", on the following basis:

the application meets criteria #3 of the Rental Housing Protection Act which states "the proposal does not adversely affect the supply of affordable rental housing".

(b) **Building Department Report - Demolition Permit**

The Committee moved to approve the recommendation of the Building Commissioner dated 1994 July 8 and recommended to Council as follows:

That the building located at 322 - 326 King Street East be subject to the provisions of the Demolition Control By-Law pursuant to Section 33 of The Planning Act and that no demolition permit be issued until such time as a building permit to erect a new building on the site is issued.

8. Application for an Official Plan and Neighbourhood Plan Amendment; Mountview Neighbourhood.

Submissions were received from the following:

- (a) Mrs. Margaret Morison, 16 West 33rd Street, Hamilton
- (b) Kathleen Peva, 24 Chateau Court, Hamilton
- (c) Doris I. Smith, 203-780 Mohawk Road West, Hamilton
- (d) James S. Ascroft, 109 San Pedro Drive, Hamilton
- (e) Elizabeth Truchon, 710-790 Mohawk Road West, Hamilton
- (f) Eric Grove, 188 Buckingham Drive, Hamilton
- (g) Barbara Wood
- (h) Iris and Vincent Brunning, 199 West 34th Street, Hamilton
- (i) Winston Munro, 38 San Antonio Drive, Hamilton
- (j) William and Anne Helder, 84 San Antonio Drive, Hamilton
- (k) Marilyn Cahelread, 665 Bendamere Avenue, Hamilton
- (l) Bill and Petra Cooke, 27 West 34th Street, Hamilton
- (m) Peter and Emily Bartens, 66 San Francisco Avenue, Hamilton
- (n) Katherine I. Muirhead, 23 West 33rd Street, Hamilton
- (o) Verna and Jack Jagroop Tandau, 3 San Paulo Drive, Hamilton

The Mayor officially registered his opposition to the proposal.

Mr. May of May, Pirie and Associates, came before the Committee to make a presentation.

Mr. Cordingley, of the Chedoke Health Corporation, was present. He stated that the Chedoke Health Corporation is the owner of the land surrounding the hospital and their primary function is to support the Chedoke Division of the hospital through major financial commitments. He said that 100 acres have been retained by the Health Corporation and 70 acres are to be sold. There was a plan submitted to City Council in 1991 and the plan has changed now from 2,000 units to a maximum of 995 units. The proposed development on lands surrounding the ring road will be compatible with the existing neighbourhoods.

He summarized by stating 6 points:

- they are presently dealing with the Official Plan only for residential use
- the mix of use and units will be similar to that existing in the neighbourhoods.
- this is proposed to be a long range plan, it will take 15 years to develop.
- 60% of land will be single detached homes
- the area between the arena and the apartments on Mohawk Road will be for townhouses and apartments
- the apartments and townhouses are to serve mainly, but not exclusively, the retiring community

Mary Lou Tanner, of the Planning Department, was present. She stated that there are various units with different densities; from single family housing to attached and medium density units. The proposal meets the standard for the population density. The standard in this area is 90 people per hectare and this proposal will have approximately 72 people per hectare. The proposal is also compatible with the surrounding area. The only changes recommended from the Planning Department will be a reduction from 8 storeys to 7 storeys for the medium density area and from 5 storeys to 4 storeys for the low density area. With regard to non-profit, Ms. Tanner explained that there is no knowledge of non-profit being developed at this area at this time and that land use with regard to non-profit cannot be controlled through Planning. Ms. Tanner advised that the pond will be increased in size and will function as open

space. With regard to traffic, a few modifications have been incorporated into the proposal which will accommodate ease of traffic for the whole development. In terms of schools, Ms. Tanner advised that both the Public and Separate School Boards have advised that they can accommodate children from this neighbourhood into their schools.

In summary, she advised that the Planning Department recommends approval because it implements the policy of the Official Plan, the traffic has been managed, the proposal is consistent with population densities and it implements the Vision 20/20 document of the City. The secondary plan which is being recommended will provide certainty because it will specify maximums.

Mr. Morison of 16 West 33rd Street was present. He read a letter from his wife, Mrs. Margaret Morison. Mr. Morison asked about the various densities and when they would be developed. He felt that the developer doesn't need to get the most out of the land and was very concerned with the increase in traffic on the Queen Street hill. In his opinion the expense to widen the Queen Street hill will be more exorbitant than the benefit coming from the development. He also disagreed that the School Boards would be able to accommodate additional children. He felt that temporary buildings would be necessary. He did not object to the whole Official Plan Amendment, but he does object to the high densities in the south end of the development.

Joe McCormick of San Pedro Drive was present. He stated that the amalgamation between McMaster and Chedoke has deteriorated the services of the hospital greatly. He stated when the notice of the meeting was called the Plan attached was different than that which was explained to the residents in April. He felt that the density has now been upgraded. In his opinion, there was not sufficient notice given - most people did not receive a copy of the recommendations. His two major concerns were the retention pond and the traffic and population problem. He felt that the pond would be an environmental disaster and safety hazard and that the value of the land on San Pedro would decline as a result. He also stated that the existence of the hospital and sports facility, in addition to the added population in the area, would be too much to handle in terms of traffic and congestion and that this would also cause a drain on municipal services. He requested that the application not be approved.

Tom Murray of 180 Buckingham Drive was present. He is a 31 year resident of the area. A meeting was held on 1994 July 12 at which he was present. Many residents could not be at this meeting and attended the other. He submitted to the Secretary the minutes of that meeting for the record. A letter to Mr. Cordingley and a petition in opposition to the development was also submitted. He felt that the public hearing process has been a sham and that public comments have been ignored. He stated that the meeting at the twin pad arena was not well organized and questions were not answered. He stated that the proposal is unacceptable to the vast majority of residents in the area since it is not compatible with the existing neighbourhoods and the residents want to maintain the character of their neighbourhood. The alternative to this proposal would be to have single family lots only on large lots like Scenic Woods.

Alderman D'Amico submitted a further petition with names in objection to the proposal and some letters of correspondence in objection.

Contrary to the recommendation of the Commissioner of Planning and Development dated 1994 July 13, the Committee moved to deny the application and recommended to Council as follows:

- (a) That Official Plan Amendment Application, Chedoke Health Corporation, owner, requesting a redesignation of lands within the Mountview Neighbourhood from "Major Institutional" to "Residential" and "Open Space"; to create a new Schedule "J-1" for the Chedmac

Secondary Plan Planning Area; and to establish new policies relating to the introduction of a new Schedule "J-1", as shown on Appendix "G", be denied for the following reason:

the proposed development is not desirable for the subjects lands.

- (b) that the request by Chedoke Health Corporation to amend the Mountview Neighbourhood Plan in accordance with Schedule "J-1" of Official Plan Amendment Application as shown on Appendix "G" be denied for the following reason:

the proposed development is not desirable for the subject lands.

9. REFERRAL BACK FROM COUNCIL

- (a) **ZAC 93-42, rear of 1094 Upper Sherman Avenue -
Request for owner to hold By-law in abeyance**

The Committee resolved that the By-law for ZAC 93-42 rear of 1094 Upper Sherman Avenue be held in abeyance pending the OMB decision on ZAC 93-43.

- (b) **Demolition of: (i) 131 Forest Avenue and
 (ii) 137 Forest Avenue**

Alderman McCulloch requested that this matter be tabled until the next regular meeting of the Planning and Development Committee at which time the applicant and the neighbours can be present to speak on the matter.

The Committee resolved to table this item to the next regular Planning and Development Committee meeting.

10. MAYOR R.M. MORROW

Access Routes to the Harbour and Beautification of Same

As this was dealt with at a recent meeting of the Transport and Environment Committee, the Mayor moved to delete this matter from the agenda.

11. ALDERMAN D. ROSS

Delegation - Retaining Wall in the rear of Firenze and Green Cedar Roads

Clerio Fuciarelli of 95 Firenze Street, Mr. G. Philpotts of 87 Firenze Street were present.

Mr. Philpotts stated that the City should not have approved residences with such a grade and retaining wall. The City should be responsible for the development of land including the retaining walls. He stated that it is a long term and costly project and that he, nor the other residents, can afford to repair the retaining walls.

Alderman Ross stated that the problem occurred when the buildings were constructed, the retaining walls were not part of the plan and it was determined that a sloping grade would be erected. After the plans were submitted, the developer decided to put in

retaining walls which, less than seven years later, have fallen down. These walls were not inspected by City officials. He felt that it was legitimate that the City has some responsibility with regard to what has happened with the walls.

Alderman Charters disagreed. He felt that it is a civil matter between the property owners and the developer or the builder. He stated that it's not the City's responsibility to repair retaining walls which were not approved as part of the plans for that development.

Alderman Merling was concerned with regard to liability to the City with regard to a grading plan, inspection and approvals.

Art Zuidema replied that a legal opinion in this matter would be best discussed in camera.

Mr. Fuciarelli stated that the retaining walls on the entire street have been constructed poorly. He has repaired his wall at a cost of \$7,000. two years ago and is still paying for the repair because his children could not play in the yard. The walls are between six and 12 feet high.

Following a brief discussion the matter was tabled with a report to be forthcoming from the Law and Building Departments to prepare a history of the retaining walls in that area in addition to what the City's liability is with regard to the grading plan, inspection and any approvals given for the retaining wall.

12. COMMISSIONER OF PLANNING AND DEVELOPMENT AND DIRECTOR OF LOCAL PLANNING

Application of Demolition Control for Residential Buildings in the Downtown

A brief discussion ensued with regard to the Committee being extended over the entire downtown area.

The Committee resolved to approve the recommendation of the Commissioner of Planning and Development and Director of Local Planning in their report dated 1994 July 14 as amended and recommended to Council as follows:

That appropriate conditions for demolition control under Section 33 of the Planning Act be applied to all buildings with a residential component in the Central Area bounded by Victoria Avenue, the Escarpment, Queen Street and the Harbour.

13. ACTING DIRECTOR OF PUBLIC WORKS

Ferguson Avenue between Barton and Cannon Streets, jobsOntario - Community Capital Application

As recommended by the Acting Director of Public Works in a report dated 1994 July 11, the Committee recommended to Council as follows:

- (a) That the Public Works Department make application for an amount up to a total gross authorization of \$269,610. under the Provincial Government's jobsOntario - Community Capital Program, for the implementation of the landscaping and streetscaping component of the revitalization of Ferguson Avenue between Barton and Cannon Streets,

and that this project be proceeded with only on approval of provincial funding.

- (b) That the monies contributed by the Provincial Government, should the application prove successful, be deducted from the 1995-2003 Capital Budget submission for revitalization of Ferguson Avenue.
- (c) That the Finance and Administration Committee be requested to recommend the method of financing.

14. **CONSENT AGENDA**

A ADOPTION OF THE MINUTES

The minutes of the Planning and Development Committee meeting held 1994 June 22 were adopted as circulated.

THE COMMITTEE RECOMMENDED TO COUNCIL VARIOUS RECOMMENDATIONS IN REPORTS AS FOLLOWS:

B ACTING SECRETARY LACAC

Former St. Mark's Anglican Church Site, 130 Bay Street South - Designation dated 1994 July 12:

- (a) That City Council give approval to the "Intent to Designate" the former St. Mark's Anglican Church site at 130 Bay Street South as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1989, as outlined in the Reasons for Designation attached hereto and marked Appendix "H"; and,
- (b) That the City Solicitor be authorized as directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1989.

C COMMISSIONER OF PLANNING AND DIRECTOR OF LOCAL PLANNING

- (a) **Zoning Application 91-56 - Lands Located on the East Side of Upper James Street, South of Regina Drive - Nos. 1489, 1491, 1493, 1495 and 1505 Upper James Street dated 1994 July 19:**

- (a) That Section 39 of the First Report of the Planning and Development Committee for 1991, respecting Zoning Application ZA-91-56, 943937 Ontario Inc. (J. Lecluse), prospective owner, for a further modification to the "G" (Neighbourhood Shopping Centre, etc.) District regulations to permit two car dealerships, including accessory auto body and paint shops, for lands located on the east side of Upper James Street, south of Regina Drive (Nos. 1489, 1491, 1493, 1495 and 1505 Upper James Street), be repealed in its entirety.

- (b) That the City Clerk be directed to advise the Secretary-Treasurer of the Committee of Adjustment respecting the above.

- (b) **Extension of Draft Plan Approval "Ridgeview Estates" Subdivision dated 1994 June 23:**

- (a) That the request by A.J. Cameracci, P. Eng., Urbex Engineering Limited, on behalf of T. Valery Construction Limited, owners, to extend draft plan approval for "Ridgeview Estates" subdivision under Regional File No. 25T-76046 for a further one (1) year period to August 29, 1995, be approved.
- (b) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.
- (c) **Site Plan Control Application DA-93-21 for a Gas Bar, Car Wash and Convenience Store on the Property at No. 528 Mohawk Road East**

Prior to voting on the motion, Alderman Merling suggested that the sound barrier be increased to a height of approximately 2.4 metres. Paul Mallard advised that the applicants are agreeable to this proposal. The Committee agreed that the site plan would be amended accordingly.

The Committee resolved to approve the recommendation in a report dated 1994 July 15, as amended as follows:

That approval be given to Site Plan Control Application DA-93-21 by 172965 Canada Limited (Imperial Oil) c/o Vince Serratore, owner, for property located at No. 528 Mohawk Road East, to permit redevelopment of the existing gas station and repair garage for a gas bar, car wash and convenience store subject to the following:

- (a) modifications to the plans related to notes, dimensions, planting strips and grading as marked in red on the plans;
 - (b) revision to the plan to provide for only one pylon sign, instead of the three proposed on the plan;
 - (c) approval of a variance by the Committee of Adjustment to permit a reduction of the setback of the pylon sign from 6.0m to 0.0m adjacent to the daylight triangle at Mohawk Road East and Upper Sherman Avenue;
 - (d) dedication to the Region of a 2.134m road widening adjacent to Upper Sherman Avenue;
 - (e) dedication to the Region of a 12.19m x 12.19m daylight triangle at the south-east angle of Mohawk Road East and Upper Sherman Avenue; and
 - (f) provision of appropriate securities and agreement for the relocation of the existing bus shelter and bus stop on Upper Sherman Avenue to the satisfaction of the Public Transit Division of the Roads Department.
 - (g) that the southerly boundary noise barrier be 2.4 metres in height.
- (d) **Environmental Impact Statement - West Side of Nash Road, North of the C.N.R. Railway Tracks dated 1994 July 12:**

That approval be given to the Scoped Environmental Impact Statement, for the property located on the west side of Nash Road, north of the

C.N.R. railway tracks, as shown on the attached map marked as Appendix "I", on the following basis:

- (a) That the Storm Water Management and Treatment measures, as identified in the Environmental Impact Statement, be incorporated into the Site Plan Agreement; and,
- (b) That the City Clerk be requested to notify the Region of Council's decision.

D BUILDING COMMISSIONER

(a) Closure of Capital Accounts dated 1994 June 29:

That the City Treasurer be directed to close Capital Accounts CF508541003 - Accommodation Requirements and CF509141017 - Renovate Administration & Examination Sections, and that the unexpended amount of \$5,380.46 be transferred to its original source of financing.

CAPITAL CENTRE NUMBER	PROJECT DESCRIPTION	AUTHORIZED GROSS COST	EXPENDED/ COMMITTED TO DATE	BALANCE AVAILABLE	SOURCE OF FUNDING
CF 508541003	Accommodation Requirements - Building Dept.	\$29,900	\$24,519.54	\$5,380.46	Reserve for capital projects
CF 509141017	Renovate Administration & Exam Sections	\$125,000	\$125,294.45	(\$294.45)	Reserve for capital projects

(b) Amendment to Property Standards By-law No. 74-74 dated 1994 July 11:

(a) That Section 19 of By-Law 74-74 be amended by adding Subsection (7),

- (i) (1) "Exterior walls of a building or structure and their components shall be maintained free of painted slogans, graffiti, or similar defacements"; and,
- (2) Exterior walls of a building or structure, and their components, shall be maintained free of posters or advertisements which are:
 - (a) for events which have already occurred; or
 - (b) which are, or may become, loosened, dislodged, torn or otherwise in a condition which may permit them to detach and become litter.

- (b) That the appropriate By-law be enacted by Council.
- (c) **Loan Deferral - James Street Baptist Church dated 1994 July 11:**
- That approval be given to the request from James Street Baptist Church, 96 James Street South, Hamilton to defer payment for another year on the principal portion of their Heritage Trust Fund Loan. (Note: This reduces the monthly payment from \$555.13 to \$214.63.)
- (d) **Appointment By-law No. 92-094 dated 1994 July 11:**
- (a) That Appointment By-Law 92-094, Section 9, be amended by deleting the following names: Rae Ilton, Alexander Fedora, Charles Hewitt, Gail Nolan; and,
- (b) That Section 9 be further amended by adding the following names: Gail Stevenson, Douglas Tam, Zoran Kristo, Frank Genovese, Alison Orr, Marianne Lyon, Sarah Bradley, Erin McClintock, Joyanne Beckett; and,
- (c) That the appropriate By-law be enacted by Council.
- (e) **Commercial Loan Programme - 245 King William Street dated 1994 July 12:**
- That a Commercial Loan in the amount of twenty five thousand dollars (\$25,000.) be approved for I. Margaret Higgins. The interest rate will be 4 per cent amortized over 10 years.
- (f) **Hamilton Emergency Loan Programme - 443 Melvin Avenue dated 1994 July 12:**
- That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, three hundred and forty-two dollars (\$1,342.) be approved for Neil and Elaine Bohnert, 443 Melvin Avenue, Hamilton. The interest rate will be 8 per cent amortized over 5 years.
- (g) **Demolitions**
- That the Building Commissioner be authorized to issue demolition permits for:
- (a) 701 Upper Sherman Avenue
(b) 1400 Upper Sherman Avenue
(c) 132 Craigroyston Avenue (subject to demolition control)
(d) 112 Province Street North
(e) 499 Charlton Avenue East
(f) 50 Holly Avenue
(g) 108 Annabelle Street
(h) 1067 Rymal Road East (added item at the Planning & Development Committee meeting)

Prior to voting on the motion, it was resolved by the Committee that the demolition of 132 Craigroyston Avenue be subject to demolition control and that the demolition permit not be issued until a building permit has been applied for.

E SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

The Committee received for information purposes the following items which were previously forwarded to the members of the Committee under separate cover:

- (a) Director of Public Works - Mayor's Task Force on Downtown Issues and Renewal, dated 1994 June 1.
- (b) Deputy Building Commissioner - Downtown Community Development Corporation, dated 1994 June 15.
- (c) Building Commissioner - Bill 120, The Residents Rights Bill - Two Unit Residential Occupancies, dated 1994 July 11.
- (d) Building Commissioner - Almas Gardens Phase 3 - Retaining Walls, dated 1994 July 11.
- (e) Commissioner of Planning and Development and Director of Local Planning - Approved Site Plan Control Applications, dated 1994 July 8.
- (f) Director of Public Works - Westdale Village Business Improvement Area (B.I.A.) - Maintenance of Hanging Flower Baskets, dated 1994 June 20.

15. PRIVATE AND CONFIDENTIAL AGENDA

BUILDING COMMISSIONER

Commercial Loan Programme - Registration of Loan on Tax Rolls - 303-307 King Street East

As recommended in a report dated 1994 July 5, the Committee recommended to Council as follows:

That the total outstanding Commercial Loan for Agommen Ltd., 303-307 King Street East, Hamilton, in the amount of \$31,858.61 be placed on the Tax Rolls.

16. OTHER BUSINESS

None.

17. ADJOURNMENT

There being no further business, the Committee meeting adjourned.

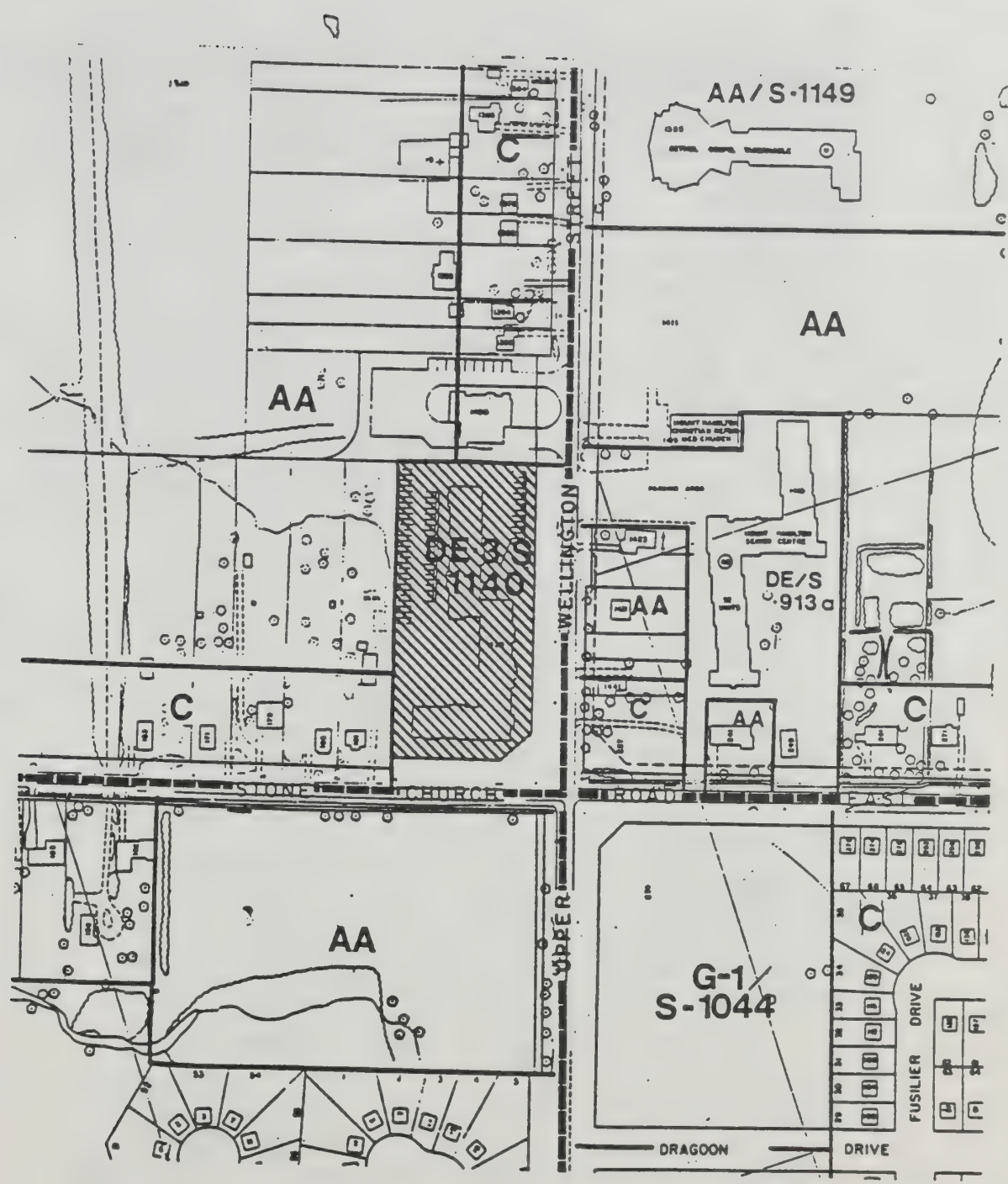
Taken as read and approved.

Alderman Don Drury, Chairperson
Planning and Development Committee

Tina Agnello
Secretary
1994 July 20

/jt

Appendix "A" as referred to in Section 4(a) of the Planning & Development Committee minutes of meeting held 1994 July 20



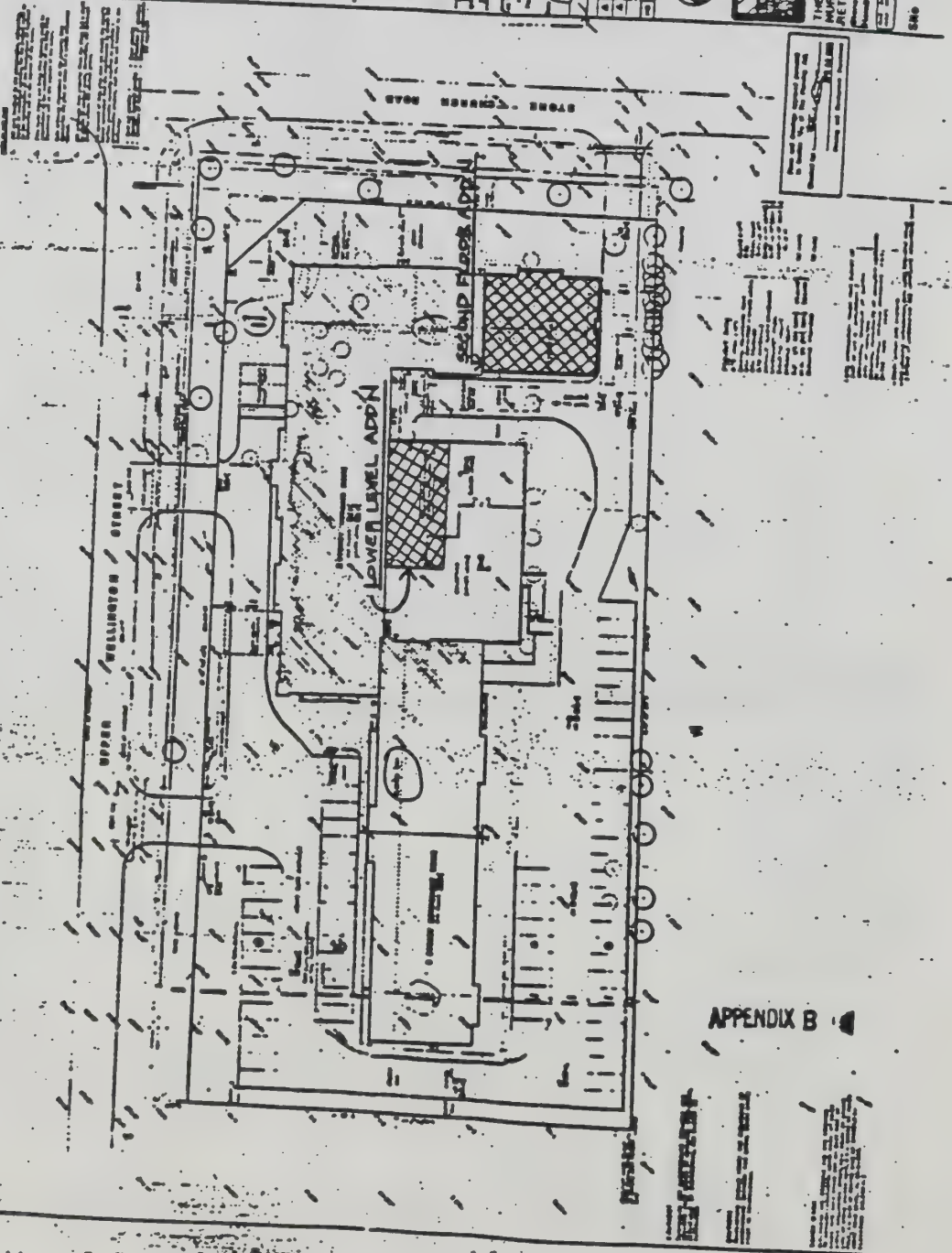
Legend



Site of the Application

ZAR-94-12

The photograph shows a document titled "THE WELLINGTON MURDERERS' TREATMENT COURSE". At the top, there are several logos: a circular logo with a cross, a logo with the text "WELLINGTON MURDERERS' TREATMENT COURSE", and a logo with the text "WELLINGTON MURDERERS' TREATMENT COURSE". Below the logos is a table with 10 columns and 10 rows. The columns are labeled "1", "2", "3", "4", "5", "6", "7", "8", "9", and "10". The rows are labeled "1", "2", "3", "4", "5", "6", "7", "8", "9", and "10". The table contains various symbols and text. Below the table is a signature that reads "J. S. 18". At the bottom of the document, there is a section titled "THE WELLINGTON MURDERERS' TREATMENT COURSE" with the text "WELLINGTON MURDERERS' TREATMENT COURSE" and "WELLINGTON MURDERERS' TREATMENT COURSE".



APPENDIX B

TENANTS AND MONTHLY RENTAL CHARGES AS OF JULY 1, 1994

362-366 John Street South

Apt. 1	Simon Head 362 John Street South Hamilton, Ontario L8N 2E4 Two-Bedroom/\$618.51	Apt. 7	Michele McLeod 362 John Street South Hamilton, Ontario L8N 2E4 Two-Bedroom/\$618.51
Apt. 2	Brenda Doxtator 362 John Street South Hamilton, Ontario L8N 2E4 One-Bedroom/\$569.63	Apt. 8	Eric Martinez 366 John Street South Hamilton, Ontario L8N 2E4 One-Bedroom/\$569.63
Apt. 3	Robert McGuffin Joan McGuffin 362 John Street South Hamilton, Ontario L8N 2E4 Two-Bedroom/\$618.51	Apt. 9	Glen Prosser 366 John Street South Hamilton, Ontario L8N 2E4 Two-Bedroom/\$618.51
Apt. 4	Bruce Young Jennifer Cox 362 John Street South Hamilton, Ontario L8N 2E4 One-Bedroom/\$569.63	Apt. 10	Jerry Guerini 366 John Street South Hamilton, Ontario L8N 2E4 One-Bedroom/\$569.63
Apt. 5	VACANT 362 John Street South Hamilton, Ontario L8N 2E4 Two-Bedroom/\$618.51	Apt. 11	Lynda Farrell 366 John Street South Hamilton, Ontario L8N 2E4 Two-Bedroom/\$618.51
Apt. 6	Dennis Oliver 362 John Street South Hamilton, Ontario L8N 2E4 One-Bedroom/\$569.63	Apt. 12	Scott Hamilton 366 John Street South Hamilton, Ontario L8N 2E4 One-Bedroom/\$569.63
		Apt. 14	Martha Wilson 366 John Street South Hamilton, Ontario L8N 2E4 Two-Bedroom/\$618.51

21-25 Mountwood Avenue

Apt. 1 Barbara Rivero
21 Mountwood Avenue
Hamilton, Ontario
L8N 2G8

Two-Bedroom/\$618.51

Apt. 2 Bruce Young
21 Mountwood Avenue
Hamilton, Ontario
L8N 2G8

One-Bedroom/\$569.63

Apt. 3 VACANT
21 Mountwood Avenue
Hamilton, Ontario
L8N 2G8

Two-Bedroom/\$618.51

Apt. 4 Rose Giglia
21 Mountwood Avenue
Hamilton, Ontario
L8N 2G8

One-Bedroom/\$569.63

Apt. 5 Diane Harding
21 Mountwood Avenue
Hamilton, Ontario
L8N 2G8

Two-Bedroom/\$618.51

Apt. 6 Don Kirovac
21 Mountwood Avenue
Hamilton, Ontario
L8N 2G8

One-Bedroom/\$569.63

Apt. 7 Laura Kaneva
21 Mountwood Avenue
Hamilton, Ontario
L8N 2G8

Two-Bedroom/\$618.51

Apt. 8 Delilah Bain
25 Mountwood Avenue
Hamilton, Ontario
L8N 2G8

One-Bedroom/\$569.63

Apt. 9 VACANT
25 Mountwood Avenue
Hamilton, Ontario
L8N 2G8

Two-Bedroom/\$618.51

Apt. 10 Andrew Holman
Andrea Doly
25 Mountwood Avenue
Hamilton, Ontario
L8N 2G8

One-Bedroom/\$569.63

Apt. 11 Alex Gillespie
25 Mountwood Avenue
Hamilton, Ontario
L8N 2G8

Two-Bedroom/\$618.51

Apt. 12 Jim Bird
25 Mountwood Avenue
Hamilton, Ontario
L8N 2G8

One-Bedroom/\$569.63

Apt. 14 Alex MacDougall
25 Mountwood Avenue
Hamilton, Ontario
L8N 2G8

Two-Bedroom/\$618.51

5-7 Rockwood Place

Apt. 1	Juliane Begg 5 Rockwood Place Hamilton, Ontario L8N 2G3 Two-Bedroom/\$618.51	Apt. 8	Brian Lockett 5 Rockwood Place Hamilton, Ontario L8N 2G3 One-Bedroom/\$569.63
Apt. 2	Duane Sullivan 5 Rockwood Place Hamilton, Ontario L8N 2G3 One-Bedroom/\$569.63	Apt. 9	Walter Giannante 5 Rockwood Place Hamilton, Ontario L8N 2G3 Two-Bedroom/\$618.51
Apt. 3	Mohammed Boumerzoug 5 Rockwood Place Hamilton, Ontario L8N 2G3 Two-Bedroom/\$618.51	Apt. 10	Pamela Heit 5 Rockwood Place Hamilton, Ontario L8N 2G3 One-Bedroom/\$569.63
Apt. 4	Christopher Redford 5 Rockwood Place Hamilton, Ontario L8N 2G3 One-Bedroom/\$569.63	Apt. 11	Richard Rodriguez 5 Rockwood Place Hamilton, Ontario L8N 2G3 Two-Bedroom/\$618.51
Apt. 5	Julianne Waller 5 Rockwood Place Hamilton, Ontario L8N 2G3 Two-Bedroom/\$618.51	Apt. 12	Wayne Savoy 5 Rockwood Place Hamilton, Ontario L8N 2G3 One-Bedroom/\$569.63
Apt. 6	Roger McCreary 5 Rockwood Place Hamilton, Ontario L8N 2G3 One-Bedroom/\$569.63	Apt. 14	Cari Addison 5 Rockwood Place Hamilton, Ontario L8N 2G3 Two-Bedroom/\$618.51
Apt. 7	Yvonne McLaughlin 5 Rockwood Place Hamilton, Ontario L8N 2G3 Two-Bedroom/\$618.51	Apt. 15	Robert Arthur 5 Rockwood Place Hamilton, Ontario L8N 2G3 Bachelor/\$220.00

9-11 Rockwood Place

Apt. 1	James Burchell 9 Rockwood Place Hamilton, Ontario L8N 2G3 Two-Bedroom/\$618.51	Apt. 8	Anna Stranges Antonieta Stranges 9 Rockwood Place Hamilton, Ontario L8N 2G3 One-Bedroom/\$569.63
Apt. 2	Henry Jonas 9 Rockwood Place Hamilton, Ontario L8N 2G3 One-Bedroom/\$569.63	Apt. 9	Susan Breckenridge 9 Rockwood Place Hamilton, Ontario L8N 2G3 Two-Bedroom/\$618.51
Apt. 3	Catherine Boucher 9 Rockwood Place Hamilton, Ontario L8N 2G3 Two-Bedroom/\$618.51	Apt. 10	VACANT 9 Rockwood Place Hamilton, Ontario L8N 2G3 One-Bedroom/\$569.63
Apt. 4	Gary Townsend Dawn Townsend 9 Rockwood Place Hamilton, Ontario L8N 2G3 One-Bedroom/\$569.63	Apt. 11	Robert Simmons 9 Rockwood Place Hamilton, Ontario L8N 2G3 Two-Bedroom/\$618.51
Apt. 5	Daryl MacTavish 9 Rockwood Place Hamilton, Ontario L8N 2G3 Two-Bedroom/\$618.51	Apt. 12	Mark Lyons 9 Rockwood Place Hamilton, Ontario L8N 2G3 One-Bedroom/\$569.63
Apt. 6	Teresa Dupuis Maureen Newport 9 Rockwood Place Hamilton, Ontario L8N 2G3 One-Bedroom/\$569.63	Apt. 14	Jerry Wahler 9 Rockwood Place Hamilton, Ontario L8N 2G3 Two-Bedroom/\$618.51
Apt. 7	Scott Morgan 9 Rockwood Place Hamilton, Ontario L8N 2G3 Two-Bedroom/\$618.51		

The Agreement of Purchase and Sale shall provide,

- (a) that the sale shall be completed within One Hundred and Twenty (120) days of execution of the agreement, unless otherwise agreed by the Tenant and Landlord; and,
- (b) that the purchase price for a Unit be the price agreed upon between the Owner and the Tenant which price shall:
 - (i) not exceed Seventy-Two Thousand Dollars (\$72,000.00) for a two-bedroom unit; and
 - (ii) not exceed Sixty-Three Thousand Dollars (\$63,000.00) for a one-bedroom unit; and
 - (iii) not exceed Thirty-Five Thousand Dollars (\$35,000.00) for the bachelor unit.

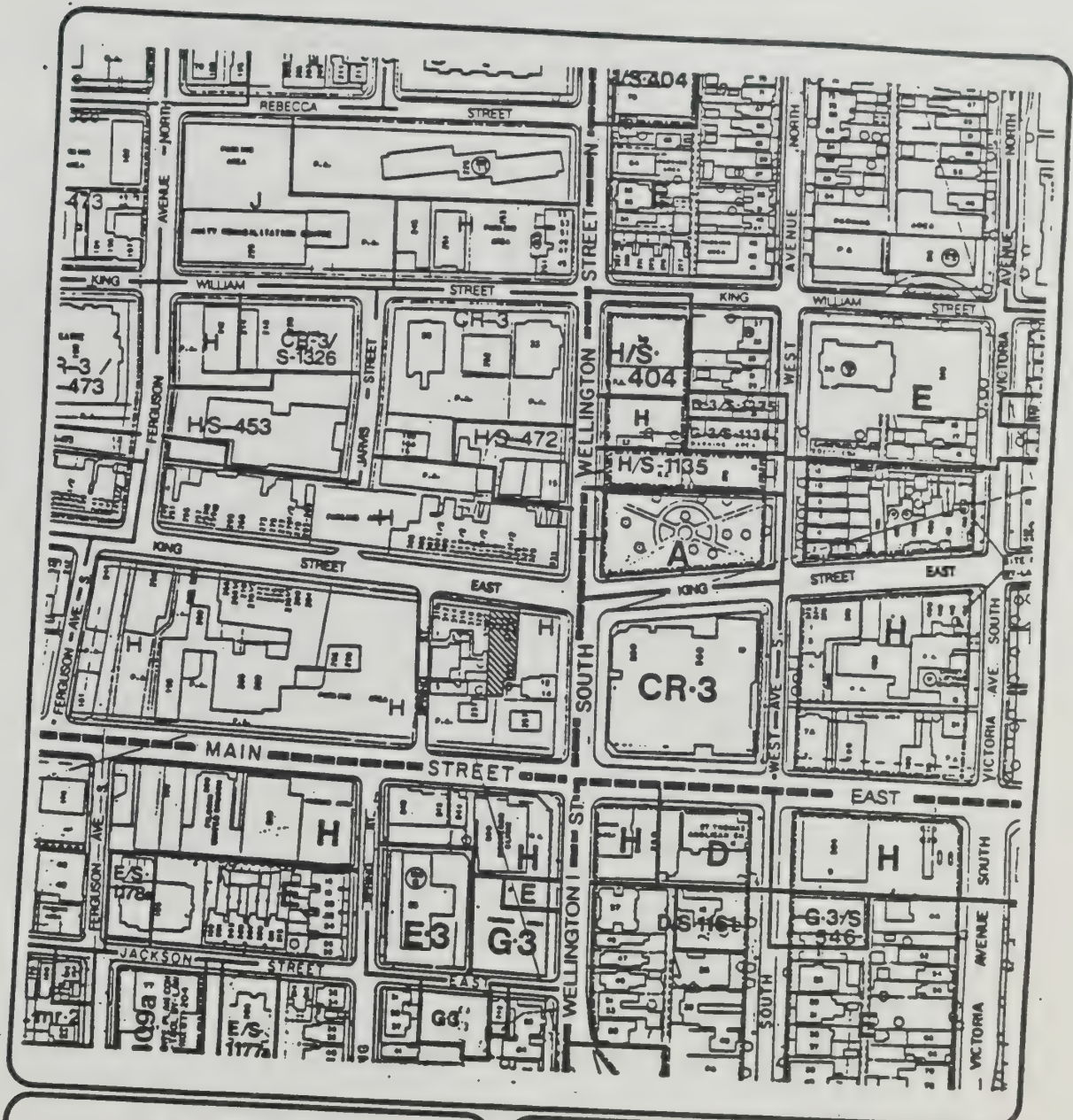
In the event the purchase price is not agreed upon for the one-bedroom and two-bedroom units, the purchase price shall be the lesser of \$72,000 Thousand Dollars for a two-bedroom unit and \$63,000 Thousand Dollars for a one-bedroom unit or the average sale price of similar units on the same property that have closed prior to the time the Option is exercised by the Tenant.

In the event that a purchase price less than Thirty-Five Thousand Dollars (\$35,000.00) is not agreed upon for the bachelor unit, an accredited appraiser of real property shall be retained at the expense of the owner to provide an estimate of the fair market value of the bachelor unit, which price, if lower than Thirty-Five Thousand Dollars (\$35,000.00), shall constitute the purchase price of the unit.

The conditions of RHPA approval are subject to the following standard terms, which terms shall form part of the applicable document:

- (a) The following documents, namely the RHPA Approval Agreement, the leases and the Options to Purchase shall be prepared by the Owner and registered by the Owner at its expense, including payment of registration fees.
- (b) If the Tenant at any time vacates their rental unit, the Tenant's rights pursuant to lease and the Option to Purchase shall cease. The Tenant may not enter into an Agreement of Purchase and Sale unless the Tenant is at the time of its execution in possession of a rental unit.
- (c) The Tenant's rights under the RHPA Approval Agreement, the lease, and the Option to Purchase shall be personal to the named Tenant(s) only and not assignable by the Tenant(s) to anyone, unless approved by the owner, in the owners absolute discretion.
- (d) If the Director of Local Planning receives a declaration from the Owner that a Tenant named in Appendix "A" has not, or does not want, to enter into the said lease or the said Option or both of them, or that the Tenant has vacated the rental unit, the Director of Local Planning shall send by registered mail to the Tenant at the rental unit listed in Appendix "A", a Notice that the Tenant's rights to the lease or Option, as the case may be, shall cease within twenty-one days of the mailing of the Notice unless the Tenant is still in possession of the premises and has within the said twenty-one day period, collected such document from the Owner and returned to the Owner a copy of the document signed by the Tenant. The Owner shall sign and return the document to the Tenant in accordance with the other time limits of this approval.

Appendix "F" as referred to in Section 7(a) of the Planning & Development Committee minutes of meeting held 1994 July 20



City of Hamilton

Key Map

Rental Housing Protection Act

322 - 328 King Street East

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Location of Subject Lands

North



Scale

Not to Scale

Date

JUNE 1994

Reference File No.

DE-93-001









Drawn By

Z.K.



Schedule "B"
To Official Plan Amendment No. _____

Chedmac Planning Area Secondary Plan

	Low Density		Parkland
	Medium Density I		Storm Water Detention Pond
	Medium Density II		Major Institutional
	Medium Density III		Chedmac Planning Area

REASONS FOR DESIGNATION
THE FORMER ST. MARK'S ANGLICAN CHURCH
130 Bay Street South, Hamilton

In 1877, construction of St. Mark's Anglican Church began at the southwest corner of Bay Street South and Hunter Street West. By January 1878, the church had its first service. Subsequently, a corner bell tower was erected on its Bay Street facade and, in 1925, the Sunday School was added to the west end of the sanctuary. The grounds in front of St. Mark's traditionally have been landscaped, creating a park-like setting for the church.

Context

In today's setting of high-rise apartment towers to the north, west and south, the St. Mark's property provides a welcome contrast with its open space and low-rise building. Situated across from the public grounds of Central School and City Hall, the church's front garden serves as an attractive amenity for the surrounding neighbourhood.

Architectural Significance

The Church and Sunday School together create a single story, L-shaped structure with an attached three-story tower. It is the fifth Anglican Church to be erected in Hamilton and the first to be constructed in brick. As originally built in 1878, St Mark's was a typical parish church building, designed in the vernacular Gothic Revival tradition. Characteristic of this late 19th-century version is the rectangular, one-story structure with gable roof, buttresses, belfry, and pointed arched windows. St. Mark's Church is distinguished in the use of brick corbelling and sets of triple arched windows which formerly contained stained glass. A bell tower, built later, adds a strong architectural feature to the east facade, while the gothic Sunday School and entrance porch of 1925 blend harmoniously with the original design of the church.

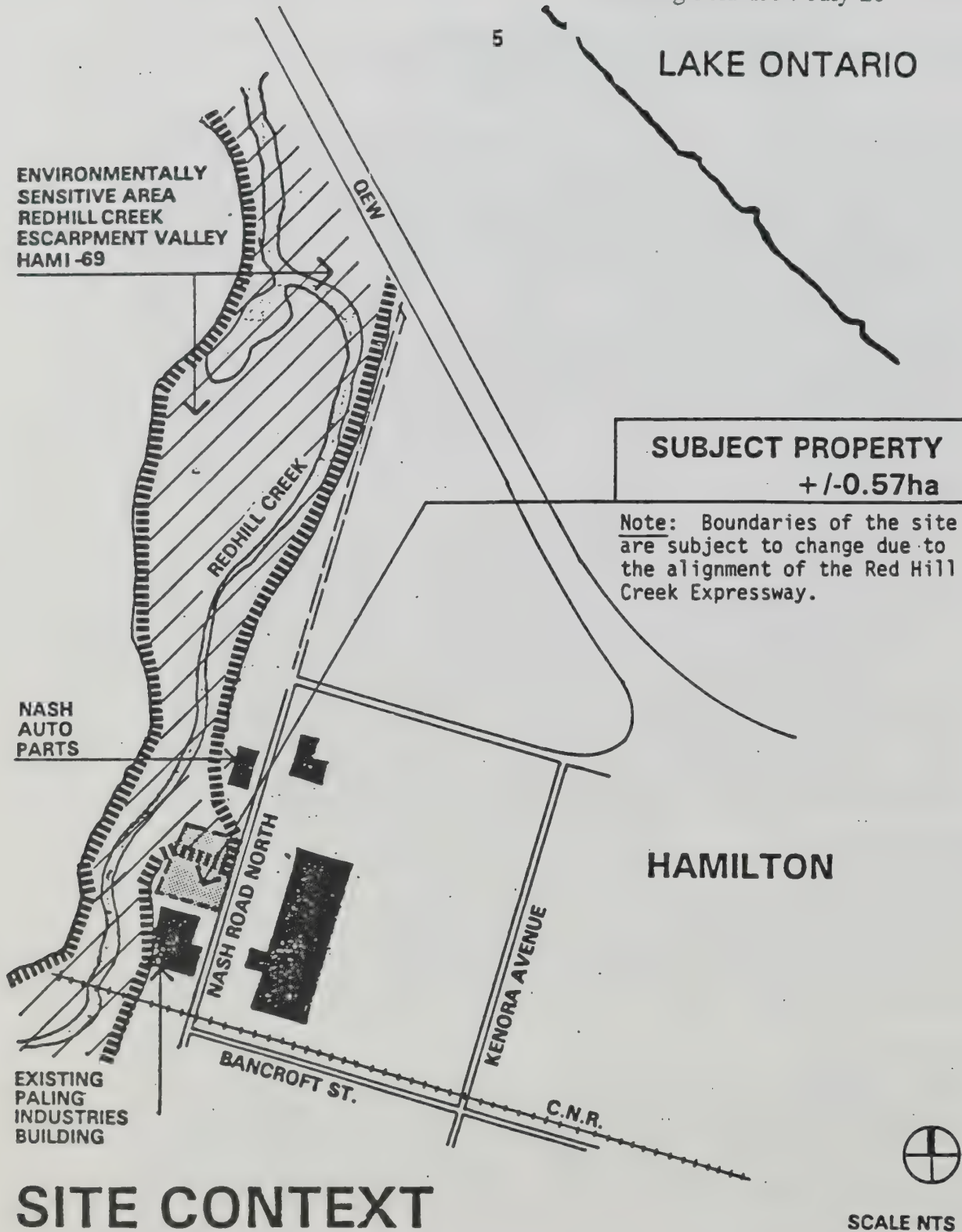
Historical Significance

The parish of St. Mark's was founded in 1877 by H. G. Sutherland as the first "free pew" Anglican Church in the city. St. Mark's is said to be the first Anglican Church in Hamilton to introduce "advanced ritual" or high church service, daily service, Gregorian music, as well as many other innovations. After over a hundred years of serving the Anglican community, the church was closed and disestablished in 1989.

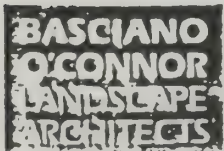
Designated Features

Of particular importance to the preservation of the former St. Mark's Church are the original features of the east, north, and south facades; the original window openings and doors; the Sunday School addition; the bell tower and the entrance porch. Also important to the site is the retention of the open green space which provides the church with an unique setting among the city's downtown churches.

Appendix "I" as referred to in Section 14C(d) of the Planning & Development Committee minutes of meeting held 1994 July 20



SITE CONTEXT



Burlington, Ontario
Tel: (905) 681-7604

Paling Industries Ltd.
409-473 Nash Road, Hamilton

Figure 1

Ba)

CITY OF HAMILTON

- RECOMMENDATION -

AUG 12 1994

DATE: 1994 August 4
S723-65 P. Strong

REPORT TO: Mrs. T. Agnello, Secretary
Planning and Development Committee


FROM: E. M. Gill, P. Eng.
Senior Director
Roads Department

SUBJECT: "WISEMOUNT ESTATES - PHASE 6", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

RECOMMENDATION:

- a) That the City of Hamilton accept the sum of \$8,050.00 as a cash payment in lieu of the 5% land dedication in connection with Wisemount Estates - Phase 6, Hamilton, being the cash payment required under Section 51 of the Planning Act.

The lands of Wisemount Estates - Phase 6 are located south of Mohawk Road and west of Upper Kenilworth Avenue in the Lisgar Neighbourhood.



E. M. Gill, P.Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no financing costs associated with this report.

cont'd...

Page 2
1994 August 4

**"WISEMOUNT ESTATES - PHASE 6", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)**

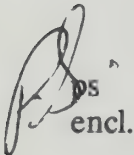
BACKGROUND:

"WISEMOUNT ESTATES - PHASE 6", Hamilton

The owner of Wisemount Estates - Phase 6 (822827 Ontario Inc.) will be executing a subdivision agreement with the City of Hamilton in the near future.

In accordance with normal City procedure, City and Regional Staff have completed calculations for the cash payment in lieu of the 5% parkland dedication. The sum to be included in the subdivision agreement has been calculated to be \$8,050.00.

The lands of Wisemount Estates - Phase 6 are located south of Mohawk Road and west of Upper Kenilworth Avenue in the Lisgar Neighbourhood.



PS
encl.

cc: D. Cobb, City Treasury
cc: R. Buckle, City Real Estate Department

B6)

CITY OF HAMILTON

- RECOMMENDATION -

AUG 1 4 1994

DATE: 1994 August 3
C. A. Unelli (S707-59)

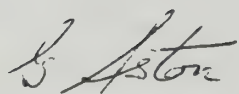
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee


FROM: E. M. Gill, P. Eng.
Senior Director,
Roads Department

SUBJECT: Lot Grading, Greenhill Gardens - Phase 2, Hamilton

RECOMMENDATION:

That the City of Hamilton accept the lot grading of Lot 8, Greenhill Gardens - Phase 2, Plan No. 62M-494 and that the subdivider, Cochren Construction Ltd., be relieved of any further obligations under Section VIII of the City Subdivision Agreement for Greenhill Gardens - Phase 2, with respect to the lot grading of Lot 8.



 E. M. Gill, P. Eng.
Senior Director, Roads Department

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

Greenhill Gardens - Phase 2 is located south of King Street East and west of Greenhill Avenue in the Gershome Neighbourhood. The plan of subdivision was registered as Plan No. 62M-494 on February 26, 1987. The subdivision was developed by Cochren Construction Ltd.

cont'd...

-page 2-
August 3, 1994

Lot Grading, Greenhill Gardens - Phase 2, Hamilton

cont'd...

Under Section VIII of the City Subdivision Agreement, the subdivider was responsible for grading the lots in accordance with the approved grading plan and issuance of grading certificates to the City.

The grading on some of the lots in the development varied from that of the approved grading plan and therefore could not be certified. The City reviewed the affected lots with the subdivider and their engineer and found that although the grading did not match the approved grading plan, the grading worked and there were no drainage problems evident. Therefore, the City requested the subdivider to obtain letters from the affected owners which requested the homeowners to confirm that the established grading was satisfactory to them.

Letters of satisfaction have been received for all of the affected lots except Lot 8, 130 Cherryridge Close which is owned by Mr. and Mrs. A. Pereira Soares.

Several attempts by both the subdivider and the City have been made to secure their approval. However, to date we have received neither a verbal nor written response from Mr. and Mrs. Pereira Soares. Most recently, the City sent a registered letter to Mr. and Mrs. Pereira Soares dated May 30, 1994 (copy attached). This letter was returned to us by Canada Post on June 24, 1994, unopened and unclaimed.

Therefore, since neither the subdivider nor the City has been successful in securing a response from Mr. and Mrs. Pereira Soares, we are recommending that the City of Hamilton accept the lot grading of Lot 8, Greenhill Gardens - Phase 2, Plan No. 62M-494 and that the subdivider, Cochren Construction Ltd., be relieved of any further obligations under Section VIII of the City Subdivision Agreement for Greenhill Gardens Phase 2, with respect to the lot grading of Lot 8.

CAU
attach.

cc: P. Noe Johnson, Law Department
cc: A. Zuidema, Law Department



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Transportation / Environmental Services Group

Roads Department
71 Main Street West, Hamilton, Ont. L8N 3T4

Tel. (416) 546-4170

Fax (416) 546-2870

REGISTERED MAIL

File No.: S707-59
Att: C. A. Unelli

May 30, 1994

Mr. and Mrs. A. Pereira Soares
130 Cherryridge Close
Hamilton, Ontario
L8G 4X6

Lot Grading, Lot 8, Greenhill Gardens - Phase 2, Plan 62M-494, Hamilton

Dear Mr. and Mrs. Pereira Soares:

Both the Subdivider and the City of Hamilton have made several attempts, to no avail, to obtain a letter of approval from both of you with respect to the as constructed grading of your property.

The grading of your lot cannot be certified by a Professional Engineer because the grading is of the two-way drainage variety (where part of the property drains towards the street and part of it drains towards the rear of the lot) rather than a one-way drainage pattern as per the approved grading plan (where the lot drains from back to front).

We have visited your property and reviewed the grading and find that the as constructed grading appears to work satisfactorily with no evident problem areas. The rear yard drains northerly to the rear yard catch basin on lot 5.

Therefore, the City is prepared to accept the grading of your property if we have not received a written response from you by June 30, 1994 with respect to any concerns you may have related to the grading.

Eugene P. Chajka, P. Eng.
Manager of Development

CAU

cc: Mr. A. Zuidema, Law Department
cc: Mr. D. Cobb, Treasury Department
cc: Mr. T. Cochren, Tommar Construction Co. Limited
50 Dundas Street
Hamilton, Ontario
L8J 1B3



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
Roads Department
71 Main St. West, Hamilton, Ontario L8N 3T4



RE 250 940602 20:10

REGISTERED MAIL

*LK.N.O.3.8.1.482.1.41
Mr. & Mrs. A. Pereira Soares
130 Cherryridge Close
Hamilton, Ontario L8G 4X6
RETURN TO: RETOURNER A:
Region of Hamilton-Wentworth
Roads Department
71 Main St. W., 6th Floor
Hamilton, Ontario
L8N 3T4 (5707-5700)

Mr. & Mrs. A. Pereira Soares
130 Cherryridge Close
Hamilton, Ontario
L8G 4X6

RETURN TO SENDER REVOI À L'EXPÉDITEUR
<input checked="" type="checkbox"/> Unclaimed Non réclamé
<input type="checkbox"/> No such address Adresse inexistante
<input type="checkbox"/> Address incomplete Adresse incomplète
<input type="checkbox"/> Moved, Address unknown Parti sans laisser d'adresse
<input type="checkbox"/> No such Post Office Bureau inexistant
<input type="checkbox"/> Refused by addressee Refusé par le destinataire
<input type="checkbox"/> Other Autre

CMB
3/6/94

754RL

Ca)

CITY OF HAMILTON
- RECOMMENDATION -

AUG 16 1994

DATE: 1994 August 12

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. C. Firth-Eagland
Acting Director of Public Works

SUBJECT: Sixth Annual Public Service Announcement
Competition; Phase IV of the Downtown Hamilton
Action Plan.

RECOMMENDATION:

1. That, the following prizes be awarded to the Mohawk College broadcasting students for their submissions in the Phase IV, Downtown Action Plan, Public Service Announcement (P.S.A.) competition. All of the P.S.A.'s contain messages about keeping Hamilton Clean.

First Prize: Dean Bradley, production of "Littering"
Second Prize: Michelle Cottrell, production of "Think"
Third Prize: Irving Chan, production of "Affair"; and,
2. That, funds be provided from Phase IV of the Downtown Hamilton Action Plan for the first prize at \$700., second prize at \$500., and third prize at \$300., and a donation to Mohawk College Media Studies Department of \$1,500. for development of the videos and use of equipment.

C. Firth-Eagland

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Funds are available in Phase IV of the Downtown Action Plan Account Number CF 5698-428803006.

BACKGROUND:

In co-operation with Mohawk College, Media Studies Department and CHCH-TV Channel 11, the City of Hamilton has been holding an Annual Public Service Announcement Competition for the students of the Media Studies Program. The theme for the Public Service Announcements is to keep Hamilton clean. Previous years winning submissions have been aired free of charge on CHCH-TV Channel 11 on a regular basis. A strong partnership between Hamilton City Council, the Keep Hamilton Clean Committee, the Downtown Action Plan Co-ordinating Committee, Mohawk College Media Studies Department and CHCH-TV Channel 11 has proven to be extremely successful in providing the public with this message.

HM:hm
c.c.

Alderman Wm. McCulloch
Chairman, Downtown Action Plan Co-ordinating Committee

Mr. K. Wallis, Media Studies Department, Mohawk College

Mr. B. Janes, CHCH-TV Channel 11

Mr. J. Auty, Chairman, Keep Hamilton Clean Committee

Mr. A. Ross, City Treasurer
Attn: Mr. B. Hill, Senior Accountant II
Treasury Department

Cb)

CITY OF HAMILTON
- RECOMMENDATION -

AUG 16 1994

DATE: 1994 August 12

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. C. Firth-Eagland
Acting Director of Public Works

SUBJECT: Expansion of the Barton General Community Improvement Project Area.

RECOMMENDATION:

1. That, Schedule "A" and Schedule "B" of By-law No. 88-11, designating the Barton General Community Improvement Project Area, be amended to reflect the expanded area as shown on Appendix "A" attached, in accordance with The Planning Act, Section 28; and,
2. That, the City Solicitor be authorized to prepare the necessary amendments for (1) above; and,
3. That, the Public Works Department be authorized to prepare the requisite amendment to the Community Improvement Plan in accordance with The Planning Act, Section 28; and,
4. That, the Public Works Department hold a public meeting to receive citizen input on the amended Barton Street Community Improvement Plan as required under The Planning Act, Section 28.

C. Firth-Eagland

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

See below.

BACKGROUND:

On 1988 January 12, By-law 88-11 was passed designating Barton Street from Wellington to Wentworth Streets as a Community Improvement Project Area in accordance with The Planning Act, 1983, Section 28. Subsequently on 1994 January 25, City Council approved the proposed Barton Street Revitalization Program that identified the need to expand the designated area to include Barton Street from James Street North to Kenilworth Avenue in order that proposed revitalization efforts could be implemented within the expanded area.

At the time of designation of the Community Improvement Project Area a Community Improvement Plan for Barton General was created in order that the City of Hamilton could offer various loans and grants within the designated area, as required under The Planning Act, 1990, Section 28. The Community Improvement Plan will be amended accordingly to include the programs identified for the revitalization efforts. A Public meeting is required to receive citizen input on the amendments to the Plan after which the Plan will be forwarded to City Council and the Minister of Municipal Affairs for approval.

Staff are recommending that expansion of the Barton Street Community Improvement Project Area and corresponding amendment to the Community Improvement Plan, take place at this time, recognizing that the administrative process for the amendments can prove lengthy. Also recognizing that implementation of the revitalization will be contingent on the release of funding from the Provincial Government.

Properties to be included in the Community Improvement Project Area must have a municipal address on Barton Street, however if the property also fronts on another street that will be deemed to be included in the designated area.

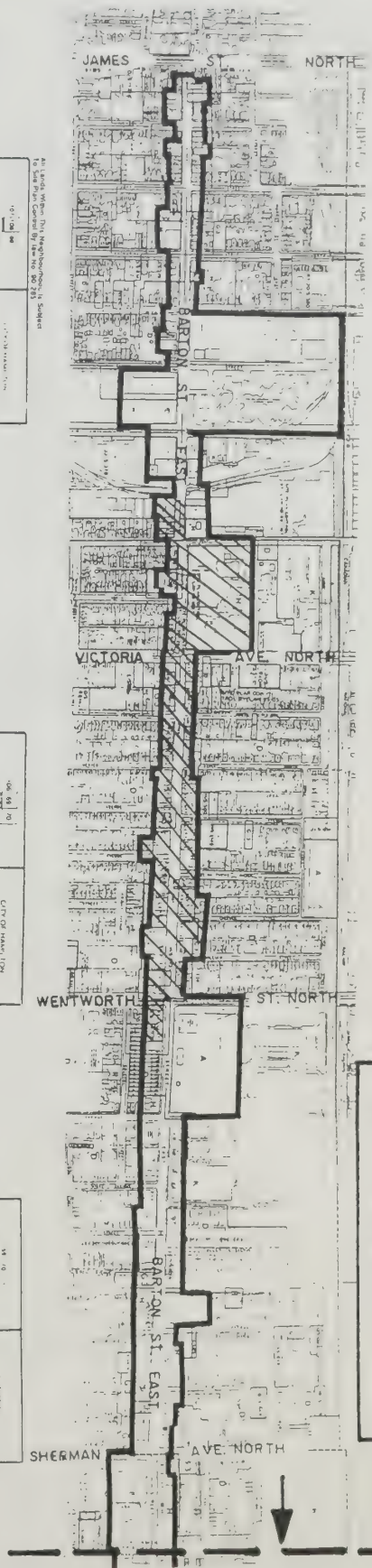
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Attach.
c.c.

Ms. P. Noe Johnson, City Solicitor
Attn: Mr. A. Zuidema, Solicitor

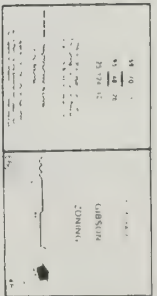
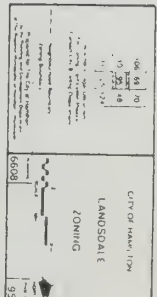
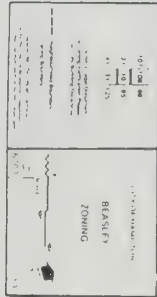
Mr. A. Ross, City Treasurer
Attn: Mr. B. Hill, Senior Accounting Clerk II

Mr. L. King, Building Commissioner
Attn: Mr. J. Robinson, Co-ordinator of Housing Loans
Building Department

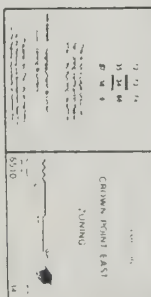
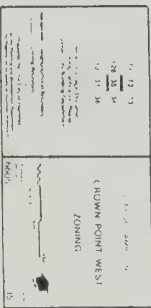
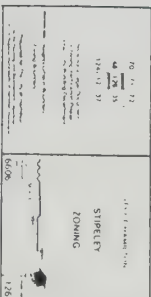
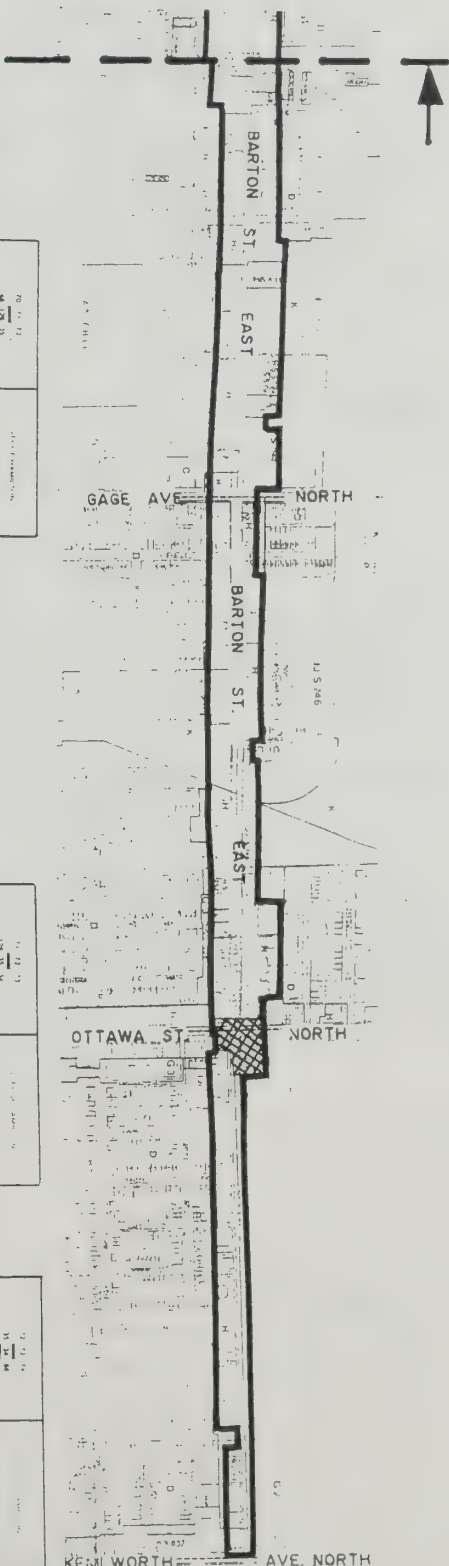
APPENDIX 'A'



As shown within this Neighborhood, it Subject to the map, Covered by the No. 20 281



MATCH LINE



MATCH LINE

Cc)

CITY OF HAMILTON
- RECOMMENDATION -

AUG 16 1994

DATE: 1994 July 29

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. C. Firth-Eagland
Acting Director of Public Works

SUBJECT: Crown Point East/McAnulty - Community Improvement
Project Area.

RECOMMENDATION:

1. That, a Community Improvement Project Area be designated as per the attached Appendix "A", for the Crown Point East/McAnulty neighbourhoods, in conformity with The Planning Act, Section 28; and,
2. That, the City Solicitor be authorized to prepare the necessary By-law for (1.) above; and,
3. That, the Public Works Department be authorized to hold a public meeting to announce the Municipal allocation of \$400,000. for improvements to the Crown Point East/McAnulty neighbourhoods priority-one-parks and, to establish a citizens' group to represent the neighbourhoods.

C. Firth-Eagland

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Monies for the project are contained in the Crown Point East/McAnulty, Phase I, Account Centre Number CF 429407001.

BACKGROUND:

The Crown Point East/McAnulty neighbourhoods were identified as the next priority areas for physical improvements/priority-one-parks. Application has, in the past, been made under the Provincial Government's Program for Renewal, Improvement, Development and Economic Revitalization (PRIDE) for a Provincial contribution towards the projects. Since the PRIDE Program has been replaced by jobsOntario, Community Renewal staff, Public Works Department will apply for jobsOntario monies once a Community Improvement Project Area has been designated and a citizens' advisory committee established and mandate filled. The mandate of the citizens' advisory committee will be two-fold: i) to create a Community Improvement Plan to identify the goals and objectives for the neighbourhoods and ii) to set priorities for the expenditure of the allocation in relation to the Community Improvement Plan.

Once the Community Improvement Plan is in place an application to the Provincial Government will be forwarded requesting maximum Provincial contribution (one-third of the municipal contribution). The project will proceed with the municipal contribution of \$400,000. and, should the jobsOntario application prove successful an additional \$132,000. will be available through a Provincial contribution.

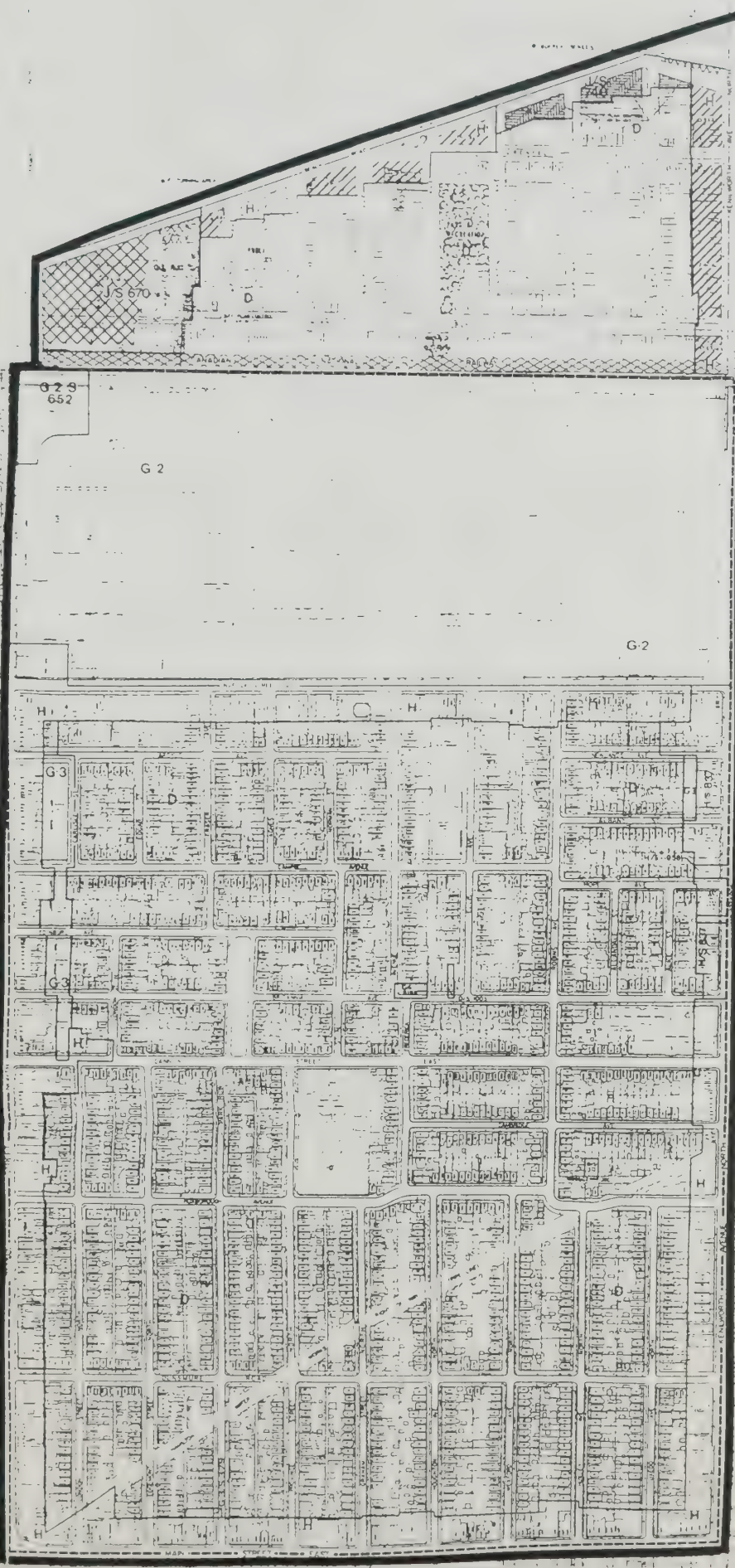
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Attach.

c.c. Alderman G. Copps

Alderman D. Wilson

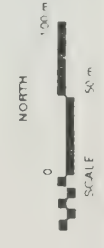
Mr. A. Ross, City Treasurer
Attn: Mr. B. Hill, Senior Accountant II
Treasury Department



APPENDIX 'A'

CITY OF HAMILTON
PLANNING DEPARTMENT

MC ANULTY
APPROVED PLAN



73

72 73 74
35 34 88
37 36 9

This is not a Legal Document
For Zoning Verification Please
Contact City Building Department

Neighbourhood Boundary
Zoning Boundary

Prepared for The City of Hamilton
by the Planning and Development Department
of the Regional Municipality of Hamilton Wentworth

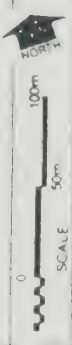
Planning
map no
6510

Plot no
34

CITY OF HAMILTON

CROWN POINT EAST

ZONING



Cd)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 August 15 **AUG 17 1994**

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. C. Firth-Eagland
Acting Director of Public Works

SUBJECT: Community Improvement Programme (C.I.P.) -
International Village, Concession Street and Main Street West Esplanade
Business Improvement Area's (B.I.A.) 1994 requests

RECOMMENDATION:

1. That, the attached Appendix 'A' outlining B.I.A. projects for implementation under the 1994 Commercial Improvement Programme be approved at an estimated cost of \$54,350.

C. Firth-Eagland

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

City Council on 1987 January 29 approved the Department of Community Development's Capital Budget submission of \$500,000. per year for the next 5 years for a total of \$2,500,000. for the Commercial Improvement Program. The Account Number is CF 5000 428705000.

Implementation of these projects will result in an estimated \$2,040 increase in annual maintenance and will be presented as a current budget adjustment for the 1995-96 fiscal year.

BACKGROUND:

The Commercial Improvement Program was established to fund streetscape improvements on publicly owned lands within Hamilton's Business Improvement Areas (B.I.A.'s). Since 1987 B.I.A.'s have applied annually to the Community Renewal Section of the Public Works Department for funding requests of various streetscape improvements. These improvements have included items such as: benches, banners, planters, alleyway lighting, garbage containers and paving of alleyways.

For the Committee's information, the Barton Street B.I.A. has \$52,000 which was approved last year for Barton Street's redevelopment. The Downtown Hamilton B.I.A. has not submitted their requests to date. The Ottawa Street B.I.A. is investigating utilizing their remaining C.I.P. funds toward the development of a parkette in their area; and Westdale Village are awaiting the outcome of redevelopment plans to the metered islands in their B.I.A. (for which a portion of their C.I.P. is to be utilized) before the Public Works's Department submits the balance of their requests.

① ME
H

c.c. Mr. A. Ross, City Treasurer
Mr. B. Chrystian, Manager, Parks Division

COMMERCIAL IMPROVEMENT PROGRAM REQUESTS1994

B.I.A.	Proposed Improvements	Estimated Cost
International Village B.I.A.	1) 18 sets banner arms Installation Additional supplies (strapping) 2) 10 concrete planters @ \$290. ea. Initial installation plant material (\$49. per planter) <div>TOTAL</div>	\$ 1,100. \$ 400. \$ 250. \$ 3,400. \$ 490. <div>\$ 5,640.</div>
Main Street West Esplanade B.I.A.	1) 2 illuminated directories (locations to be determined) @ \$5,500. ea. + \$1,000. installation <div>TOTAL</div>	\$12,000. <div>\$12,000.</div>
Concession Street B.I.A.	1) Individual business signs (84) 24X18 + taxes Installation \$30. ea. 2) 42 Cast-iron half-barrel planters to go around base of existing flower basket poles. Installation Plant material & soil installation (\$49. ea.) Paving stone removal <div>TOTAL</div>	\$14,500. \$2,900. \$15,700. \$ 1,050. \$ 2,060. \$ 500. <div>\$36,710.</div>

TOTAL ESTIMATED COST OF C.I.P. REQUESTS

\$54,350.

Dail

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 August 16 **AUG 16 1994**

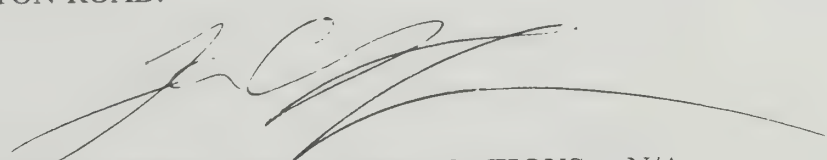
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
313 QUEENSTON ROAD - Tag Number 92671
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 313 QUEENSTON ROAD.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "H" Commercial (Map E-85)

PRESENT USE: Single Family Dwelling

PROPOSED USE: New Single Family Dwelling

BRIEF DESCRIPTION: 1½ storey wood frame dwelling

The proposed new dwelling is subject to Section 14(1)(ii) of Zoning By-Law 6593. If this condition cannot be met, then the new building is subject to Section 3(2c) of By-Law 6593 and must be built the exact same size as the present house. No LACAC interest. Lot size 30' x 88'.

The owner of the property as per the demolition permit is:

Peter Boychuk
103 Greenford Drive
Hamilton, Ontario

EB/zr

Daii>

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 August 16 **AUG 16 1994**

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
88 INCHBURY STREET - Tag Number 92596
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 88 INCHBURY STREET.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "D" Residential (Map W-11)

PRESENT USE: Single Family Dwelling

PROPOSED USE: New Single Family Dwelling

BRIEF DESCRIPTION: 1 storey wood frame house

Owner wishes to demolish existing house and rebuild a new single family dwelling. No LACAC interest. Lot size 29.3' x 100.25'.

The owner of the property as per the demolition permit is:

John M. Franco
98 Inchbury Street
Hamilton, Ontario

EB/zr

QW

Da 111)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 August 16 AUG 16 1994

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
100 DARTNALL ROAD
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 100 DARTNALL ROAD.


FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: M-13 (E-59D)

PRESENT USE: Single Family Dwelling

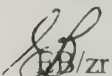
PROPOSED USE: Road Widening of Dartnall Road

BRIEF DESCRIPTION: 1 storey wood clad single family dwelling

Owner wishes to demolish house in order to complete land swap with the Region. No LACAC interest. Lot size 124' x 231'.

The owner of the property as per the demolition permit is:

Towne and Round Pool Service Ltd.
100 Dartnall Road
Hamilton, Ontario


EB/zr

Daiv)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 August 16 **AUG 16 1994**

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
110 DARTNALL ROAD
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 110 DARTNALL ROAD.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: M-11 (Map E-59D)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Road Widening of Dartnall Road

BRIEF DESCRIPTION: 2 storey single family dwelling

Owner wishes to demolish house in order to complete land swap with owners of 100 Dartnall Road. No LACAC interest. Lot size 147.330' x 147.5'.

The owner of the property as per the demolition permit is:

Region of Hamilton-Wentworth



Da v)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 August 18

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1126 GARTH STREET
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1126 GARTH STREET.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "AA"

PRESENT USE: Single Family Dwelling

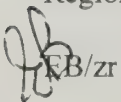
PROPOSED USE: Mountain Expressway

BRIEF DESCRIPTION: 1 storey wood frame/brick veneer single family dwelling

Owner wishes to demolish existing house as land is required for proposed expressway. No LACAC interest. Lot size 100' x 240'.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth

 EB/zr

Davi)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 August 18

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
771 WEST 5TH STREET
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 771 WEST 5TH STREET.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C"

PRESENT USE: Single Family Dwelling


PROPOSED USE: Mountain Freeway

BRIEF DESCRIPTION: 1½ storey wood frame single family dwelling

Owner wishes to demolish existing house to make room for the proposed Mountain Freeway.
No LACAC interest. Lot size 36.960 acres.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth

 EB/zr

Da vii)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 August 18

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
789 WEST 5TH STREET - Tag Number 92446
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 789 WEST 5TH STREET.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C" & "AA"

PRESENT USE: Single Family Dwelling

PROPOSED USE: Mountain Freeway

BRIEF DESCRIPTION: 1 storey wood frame single family dwelling

Owner wishes to demolish existing house to allow for proposed mountain freeway. No LACAC interest. Lot size 152.59' x 363.640'.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth

JSB/zr

Da viii)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 August 18

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
802 WEST 5TH STREET
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 802 WEST 5TH STREET.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C" & "AA" Residential & Agriculture (Map W-9B)

PRESENT USE: Single Family Dwelling

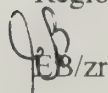
PROPOSED USE: Mountain Expressway

BRIEF DESCRIPTION: 1 storey wood frame dwelling with attached carport

Owner wishes to demolish building as the land is required for the Limeridge Expressway. No LACAC interest. Lot size 113' x 240'.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth


EB/zr

Daix

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 August 18

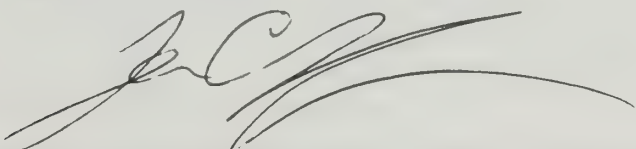
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
458 BURLINGTON STREET EAST - Tag Number 92495
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 458 BURLINGTON STREET EAST.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: K/S-727

PRESENT USE: Single Family Dwelling


PROPOSED USE: Vacant Lot

BRIEF DESCRIPTION: 1 storey brick single family dwelling

Owner wishes to demolish existing house for Burlington Street Widening Project. No LACAC interest. Lot size 50' x 88'.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth
Finance Department

 EB/zr

06)

CITY OF HAMILTON
- RECOMMENDATION -

AUG 16 1994

DATE: 1994 August 15

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King
Building Commissioner

SUBJECT: City of Hamilton Heritage Programme
316 James Street South (94.2.4.2.1.A)

RECOMMENDATION:

That the Building Department, Loans Division be directed to process a loan under the Community Heritage Trust Fund Loan to Wentworth Condominium Corporation #84, 316 James Street South, in the amount of ten thousand, nine hundred and fifty dollars (\$10,950.) at 3 5/8 percent interest amortized over a ten year period.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Planning and Development Committee, in a report dated 1986 August 6, approved a Community Heritage Trust Fund Loan to Wentworth Condominium Corporation #84 in the amount of \$15,000. This is the maximum loan amount available without the owners entering into an easement in perpetuity.

Since 1986, the owners have continued to make payments and the loan amount is now less than \$5,000. The Corporation is now facing expensive masonry repairs and have requested the loan be topped up to \$15,000. The Department supports this request and recommends that a loan in the amount of \$10,960. be approved for Wentworth Condominium Corporation #84. The monthly payments will be amortized over ten years at 3 5/8 percent interest and renegotiated at the end of the first five years.

LCK/JHR/dc

Ea)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 August 11

AUG 17 1994

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

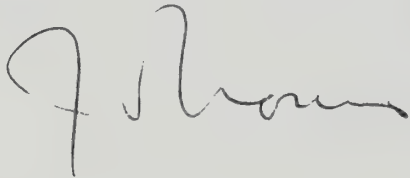
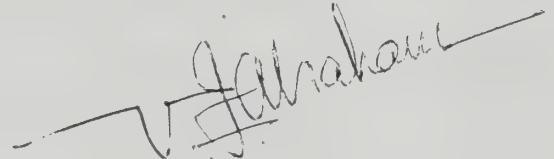
Mr. V. J. Abraham
Director of Local Planning

SUBJECT: Revision to Draft Plan Approval
"Sgro Gardens" Subdivision

RECOMMENDATION:

- 1) That approval be given to the request by Mr. Adi Irani, of A. J. Clarke and Associates Limited on behalf of Mr. and Mrs. V. Sgro, owners, to revise the draft plan approval for "Sgro Gardens" subdivision under Regional File 25T-89026 to realign the lots to front onto Eleanor Avenue and Mentino Crescent, subject to the following additional conditions:
 - a) That this approval apply to the plan, prepared by A. J. Clarke, O.L.S., revised on June 21, 1994, to show 13 lots for single detached residential purposes and three 3 blocks (Blocks 15, 16 and 17) for future development, and further red-lined revised to incorporate Parts 2, 3, and 4 of Plan 62R-11697 (Lot 14), into the draft approval as a building lot ;
 - b) That the owner satisfy all engineering and financial requirements of the City of Hamilton and the Region;
 - c) That Lots 1 to 5 and Block 17 not be developed until municipal storm and sanitary sewers are available on the abutting portion of Eleanor Avenue;
 - d) That the future street, Mentino Crescent align properly with the existing road allowance to the south, Presidio Drive. The centreline radius shall be established at a minimum of 320 metres;

- e) That Blocks 15, 16, and 17 be developed only in conjunction with the abutting lands to the north of the revised draft plan; and,
 - f) That the dead ends and open sides of the road allowances be terminated in 0.3 metre reserves.
- 2) That the Regional Commissioner of Planning and Development be advised of Council's decision.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Location:

The lands are located on the east side of Eleanor Avenue and north of Dulgaren Street in the Eleanor Neighbourhood, City of Hamilton (location plan attached as Attachment "A").

Proposal:

The owner is proposing to revise the original draft plan approval (Attachment "B") by realigning the lots to front on Eleanor Avenue and Mentino Crescent (revised plan attached as "Attachment "C"), thereby eliminating the need for sewers along Dulgaren Street.

History:

The "Sgro Gardens" subdivision was originally draft approved on March 1, 1990 and subsequently revised on July 13, 1990 to delete Lots 15 and 16 which were to be developed under the Land Division approvals process.

Existing Development Controls:

Hamilton-Wentworth Official Plan The lands are within the "Urban Policy Areas" and identified as "Residential and Related Uses". The proposal complies.

City of Hamilton Official Plan The lands are designated "Residential". The proposal complies.

Neighbourhood Plan The lands are designated "Single and Double Residential". The proposal complies.

Zoning The lands are zoned "C" (Urban Protected Residential, Etc.). The proposal complies.

Comments from Circulation:

The Hamilton-Wentworth Roads Department submitted the following comments and recommendations:

"FOR INFORMATION:

- (1) *Municipal storm and sanitary sewers are available to service the Lots fronting onto Mentino Crescent at the north limit of Presidio Drive and are of sufficient capacity for this development. The storm and sanitary sewers are not available at this time to service the Lots being created on Eleanor Avenue.*
- (2) *A Municipal watermain of sufficient size and capacity is available to service the lots being created on Mentino Crescent at the north limit of Presidio Drive. A Municipal watermain exists on Eleanor Avenue of sufficient size and capacity to service the proposed Lots on Eleanor Avenue.*
- (3) *There will be no Regional Share for the cost of services for this development since there is no over-sizing of underground services required.*
- (4) *The Hamilton Street and Railway have advised that their office has no comment regarding the revisions to the original draft Plan of Subdivision.*
- (5) *The property for the existing dwelling, 77 Eleanor Avenue, was successfully severed from the original Draft Plan for Sgro Gardens in 1992. The City and Region have Agreements for the owner to provide for 50% of the servicing costs for future services on future Mentino Crescent and existing Dulgaren Street. However, Parts 2, 3, and 4, Plan 62R-11697 (Lot 16 of the original Draft Plan) appear to have been omitted from the revised Draft Plan. The Lot fronting onto Dulgaren Street will be dealt with under the Revised Draft Plan for Sgro Gardens at this time as set out in our recommendations".*
- (6) *Parts 5 and 6 have previously been dedicated to the City of Hamilton under the Modified Subdivision Agreement for severance application H-113-90.*

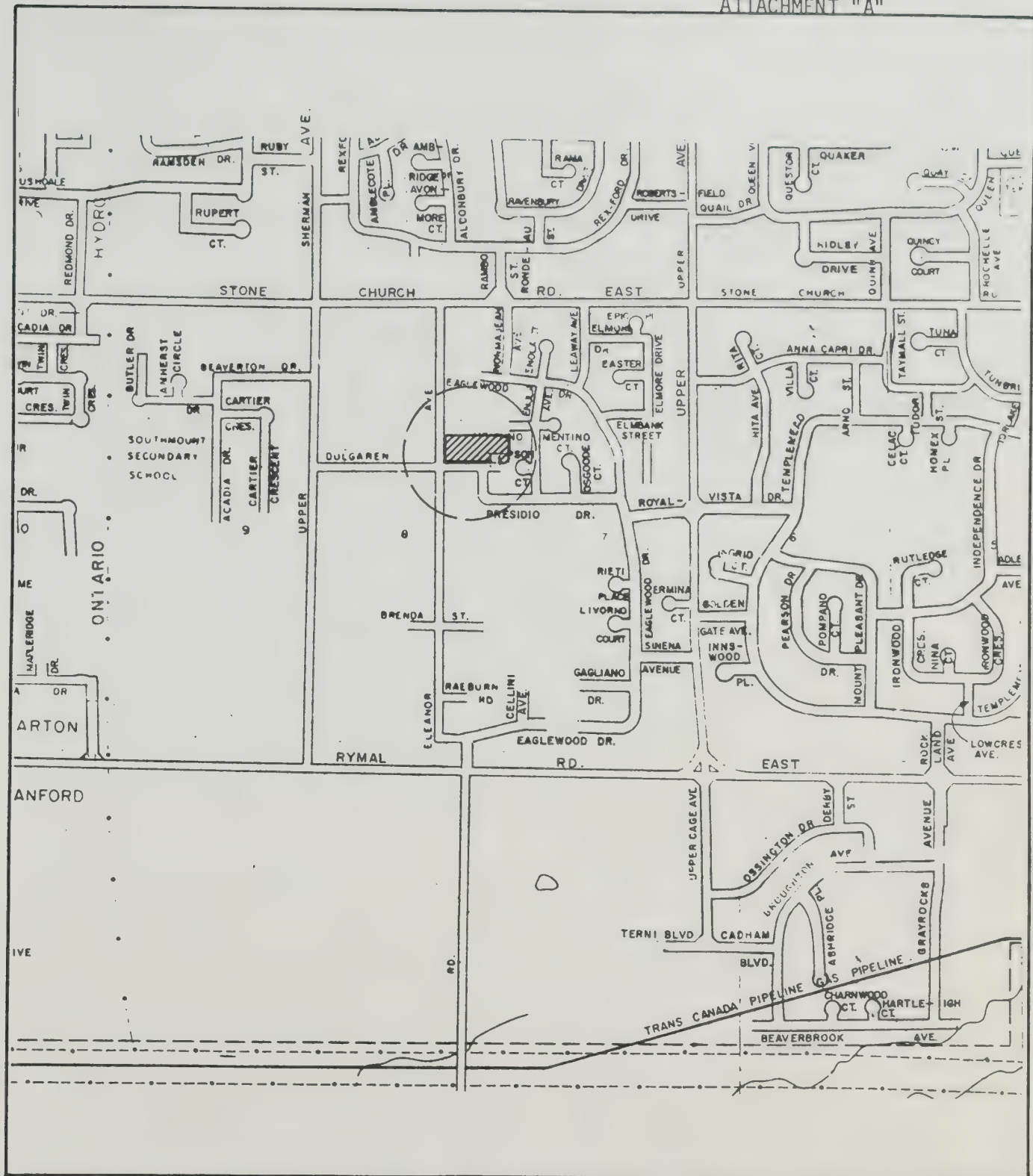
RECOMMENDATIONS:

- (1) *That the owner must enter into a Subdivision Agreement with the City of Hamilton and the Regional Municipality of Hamilton-Wentworth, prior to the development of any portion of these lands.*
- (2) *That Parts 2, 3, and 4, Plan 62R-11697, be incorporated into the draft plan as a single building lot fronting onto Dulgaren Street, and that the owner provide all municipal services on Dulgaren Street to the east limit of Dulgaren Street under the City and Regional Subdivision Agreements.*
- (3) *That Lots 1 to 5 and Block 16 not be developed until municipal storm and sanitary sewers are available on the abutting portion of Eleanor Avenue.*
- (4) *That the future street, Mentino Crescent, align properly with the existing road allowance to the south, existing Presidio Drive. The centreline radius shall be established at a minimum of 320 metres.*
- (5) *That Blocks 14, 15 and 16 be developed only in conjunction with the abutting lands to the north of the revised draft plan.*
- (6) *That the dead ends and open sides of the road allowances be terminated in 0.3 metre reserves."*

The Hamilton Traffic Department advises that they have reviewed the plan of subdivision and "... find it satisfactory."

COMMENTS:

1. The proposal is consistent with the land use designations in the Official Plan and the approved Eleanor Neighbourhood Plan.
2. There were no objections received as a result of the circulation of the proposal. However, the Roads Department have requested additional conditions to ensure that the lands are developed in an orderly fashion.
3. A red-line revision is required to incorporate Parts 2, 3 and 4, on Reference Plan 62R11697 into the draft plan as a building lot. Otherwise a remnant parcel would be created with no provision for installation of municipal services.



Igro Gardens

BEING A PROPOSED SUBDIVISION OF:

LOT 23 - REGISTERED PLAN N° 853

IN THE

CITY OF HAMILTON

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED SUBDIVISION

North



Scale
N. T. S.

Date
JUNE 29, 1994

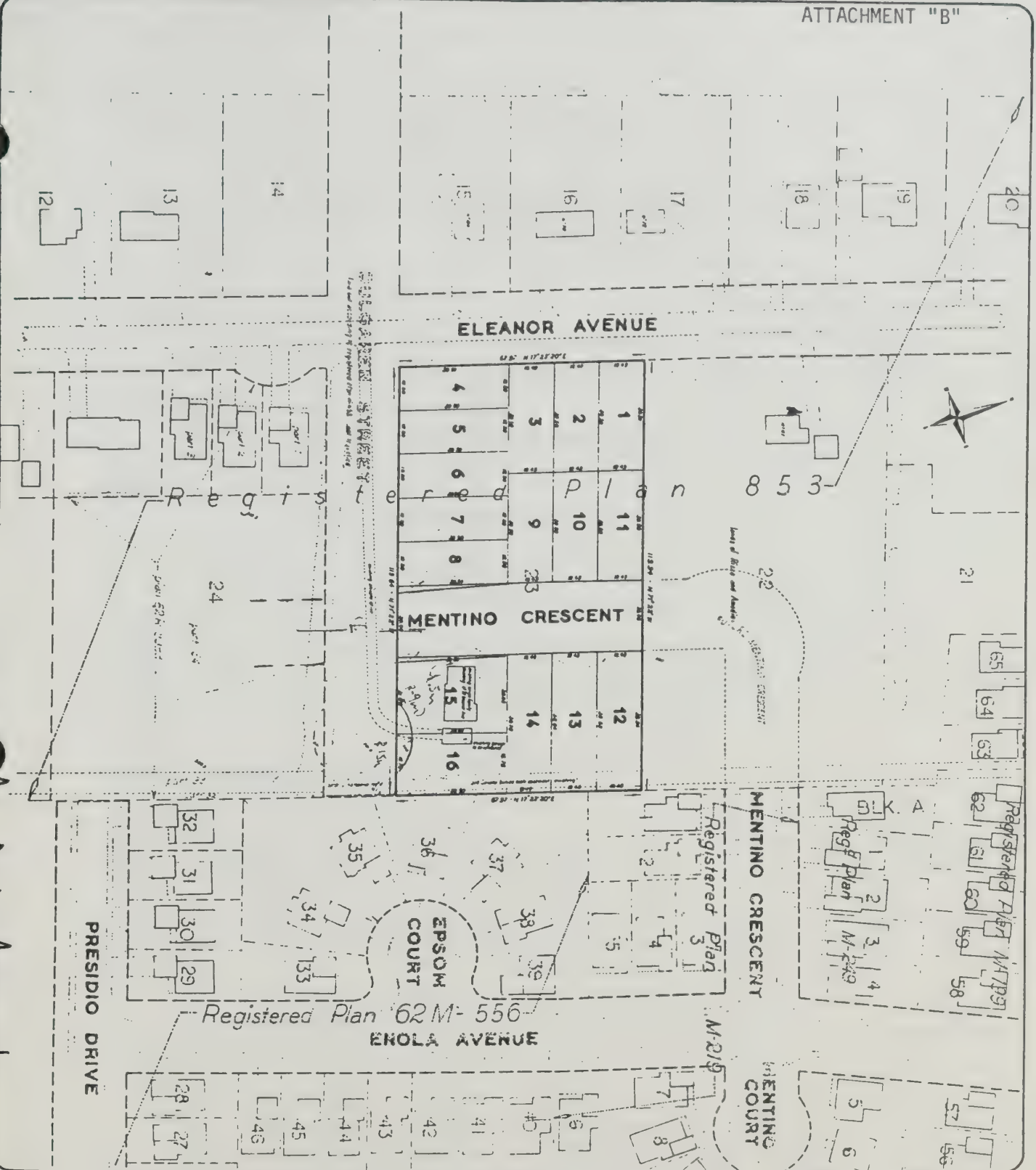
Reference File No.
25 T- 89026
(REVISED)

Drawing No.

CONCLUSION:

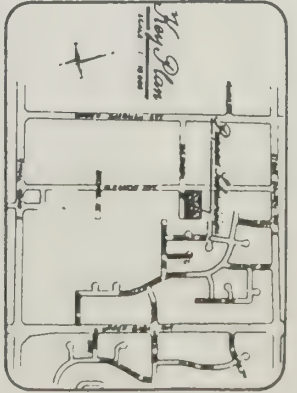
Subject to the conditions requested by the Roads Department, the request to revise the draft approval can be supported.

RL\Attach.
subdiv\89026.rep



As Draft Approved

757-89026



DRAFT PLAN OF:

Sare Gardens

LOT 23 - REGISTERED PLAN N° 853

CITY OF HAMILTON

City of Hamilton
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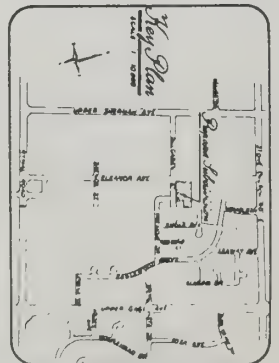
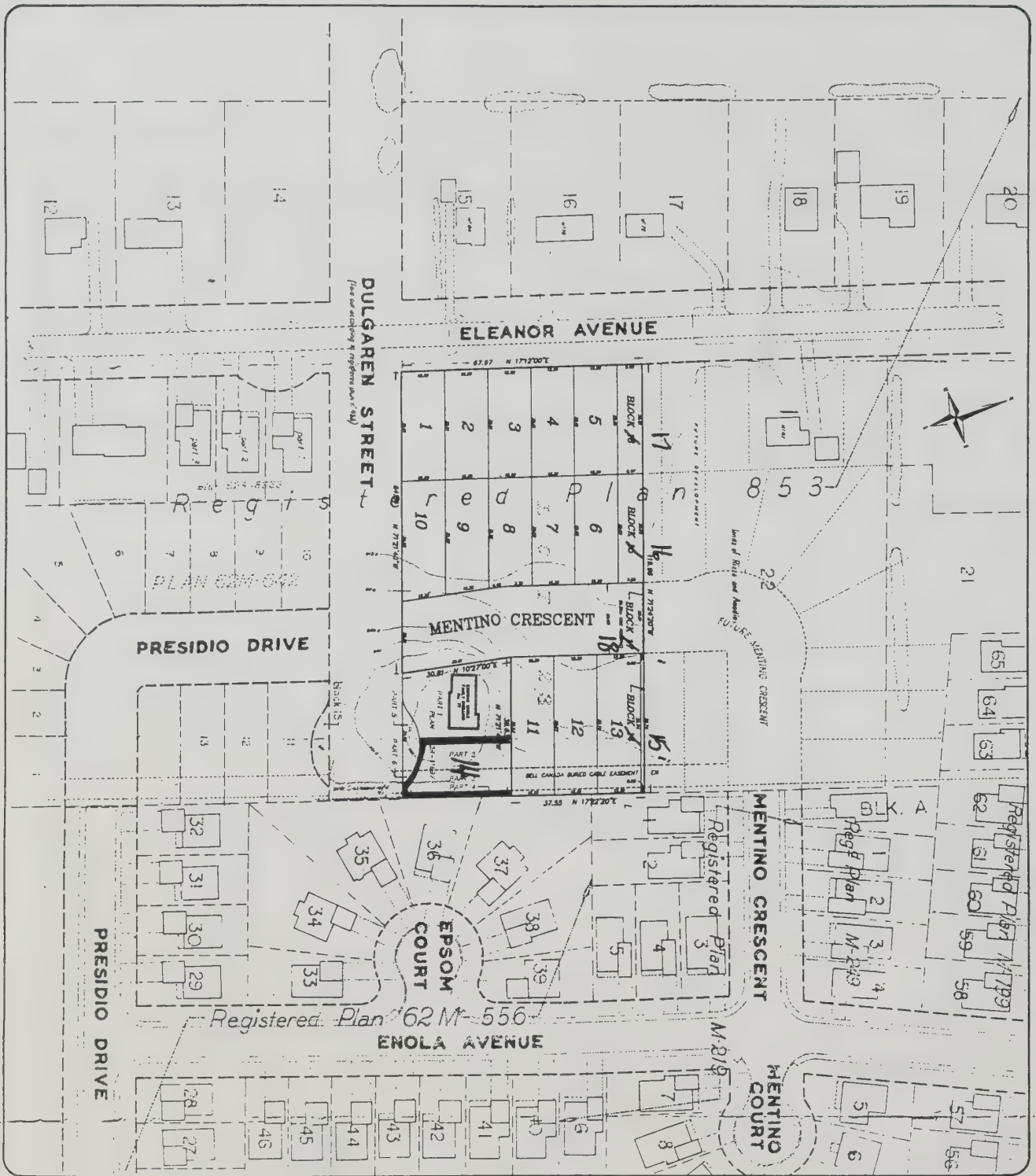
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DRAFT PLAN OF :

Lane Gardens

BEING A PROPOSED SUBDIVISION OF
LOT 23 - REGISTERED PLAN Nº 853

CITY OF HAMILTON

W. J. Clarke C. L. J. 1989

Note:
THIS IS A DRAFT COPY ONLY AND IS SUBJECT TO
REVISION AND AMENDMENTS

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The Tedium 502 The Morning, 41 No. 3

[illegible]

Case	Age	Sex	Occupation	Duration of illness	Site of lesion	Pathological changes	Microscopic findings	Diagnosis
1	45	M	Farmer	10 years	Brain	Chronic	Microscopic	Chronic
2	55	F	Housewife	5 years	Brain	Chronic	Microscopic	Chronic
3	65	M	Teacher	15 years	Brain	Chronic	Microscopic	Chronic
4	75	F	Retired	20 years	Brain	Chronic	Microscopic	Chronic
5	85	M	Retired	25 years	Brain	Chronic	Microscopic	Chronic

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Source: *Journal of the American Statistical Association*, 93(463), 1311-1324.

Wilmington, Delaware

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Land Use Schedule

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CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 August 15
(CI-91-G)

AUG 17 1994

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V.J. Abraham
Director of Local Planning

SUBJECT: Further Modifications to the Proposed General Text Amendment to Zoning By-law No. 6593 - Front Yard Parking for Single, Two, Three-Family and Converted Dwellings

RECOMMENDATIONS:

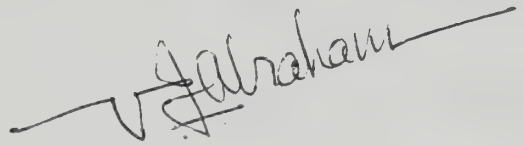
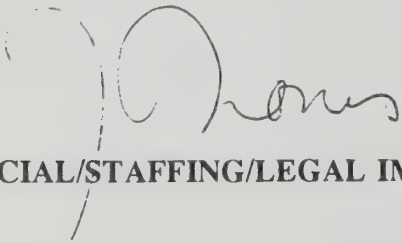
- a) That Items 3(d)(x), 3(h)(x), and 3(l)(x) be amended by deleting the words "street line" and replacing them with the words "front lot line";
- b) That Item 3(f)(ii), 3(j)(ii), and 3(n)(ii) be amended by deleting the words "street line" and replacing them with the words "front lot line";
- c) That Items 3(e)(xii), 3(i)(xii) and 3(m)(xii) of the Eleventh Report of the Planning and Development Committee be amended by deleting the subclause in its entirety and replacing it with the following:

"a walkway located in the side yard between the area extending from the front yard to the rear yard of the principle dwelling with a maximum width of 0.6 m."

- d) That a new subclause (14g) be added to Section 18A of Zoning By-law No. 6593 as follows:

"Notwithstanding (14a) and (14b), no part of a required parking area in a residential district shall be located in a front yard."

- e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,
- f) That the proposed general text amendment is in conformity with the Official Plan for the Hamilton Planning Area.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Planning and Development Committee, at its meeting of July 20, 1994, approved a general text amendment for front yard parking for single, two, three family and converted dwellings. During the drafting of the by-law, it was noted that minor wording changes and an additional clause are suggested could make the by-law clearer.

COMMENTS:

- 1) The first two modifications are to ensure wording consistencies between the new clauses and existing clauses within the Zoning By-law.
- 2) The second modification to the by-law will exempt walkways that extend from the side of house to the street whereas the previous draft of the by-law would only exempt the walkway along the side of the house.
- 3) The third modification will ensure that all public, institutional and other residential uses in residential districts would not be permitted to have parking in the front yard. It should be noted this provision was previously in place prior to the drafting of the by-law and it was inadvertently omitted.

CONCLUSION:

Based on the foregoing, the proposed modifications can be supported.

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CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 August 16
(SS-UPS)

AUG 17 1994

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

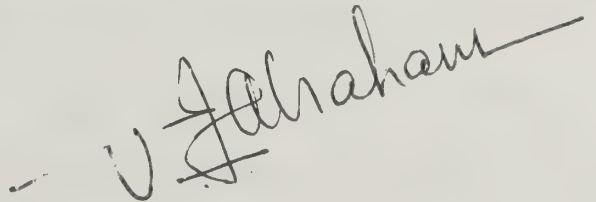
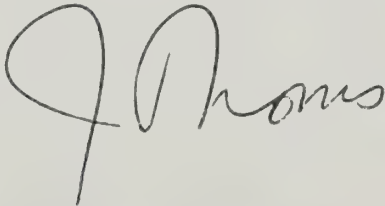
FROM: Mr. J. D. Thoms, M.C.I.P.
Commissioner of Planning and Development

Mr. V. J. Abraham, M.C.I.P.
Director of Local Planning

SUBJECT: Residential Underground Parking Study
- Authorization for Public Meeting

RECOMMENDATION:

That a public meeting be held to obtain input from citizens on the recommendations of the Residential Underground Parking Study.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Residential Underground Parking Study was undertaken at the request of the Planning and Development Committee, which raised the matter due to concerns expressed by citizens about safety and design in underground parking garages for new apartment developments in Hamilton. Concerns about safety in underground garages had also been raised by the Status of Women Sub-Committee, in several presentations made in 1991. Personal safety, in underground garages and in general, is an issue being studied and addressed in many areas, including numerous municipalities.

Summary of Study:

The primary focus of the study was:

- to prepare recommendations for the design of new residential underground parking garages to improve personal safety for users of these facilities, particularly women.

In addition, the study was also to consider and provide analysis of:

- safety of vehicles from vandalism; and,
- traffic safety, namely the interface between pedestrians and vehicles in such parking garages.

Due to the lack of available staff time and expertise to carry out such a study, it was recommended the study be undertaken by a consultant. The Planning and Development Committee approved the study on September 23, 1992, and directed that Lynda Morris, of Lynda Morris Management Services Limited, be hired to undertake the study. The study commenced in February, 1993, following the preparation of a detailed terms of reference and the signature of a contract between the City and the consultant.

The extensive data collection for the study included:

- several audits of underground garages in Hamilton;
- meetings with staff and citizens interested in the study;
- discussions with police, and audits conducted with them;
- surveys of audits, by-laws and policies in other municipalities; and,
- unreported crime, and seminars and literature from many areas.

Analysis of this information resulted in a variety of approaches being developed to address personal safety in garages. Several design features were identified as being important to design, such as lighting, signage, security measures, etc. These were reviewed in detail to determine which measures would be most effective in improving safety. Sufficient information is included to enable these features to be readily implemented, as design changes to be required for new garages. There are also several additional actions recommended, some in the form of further studies.

The recommendations include the following:

- development of a zoning by-law amendment to regulate aspects of design, including entrances, pedestrian exits, paint, lighting, signage, security, maintenance, etc.;

- preparation of site plan control guidelines, to enable further design guidance to be provided in the construction of underground residential garages;
- requesting the Province to amend the Ontario Building Code to include more stringent requirements dealing with safety in such garages;
- requesting the Ministry of Housing to review proposals for such garages, to consider safety;
- monitoring and reporting by Police of crimes within specific locations eg. underground garages;
- review of the relative frequency of personal assaults against women and fire incidents, and consideration of possible exemptions or equivalencies to building codes for glass windows;
- development of safe exit routes within garages for wheelchair users and seniors; and,
- preparation of a brochure or package on safe design for use by developers and architects; as well as a brochure for garage users/owners on safety and their responsibilities.

COMMENTS:

The final report was submitted by the consultant in July, 1994. A copy of the Executive Summary is attached, and copies of the full report are available from the Committee Secretary. Staff of the Planning and Development Department, who have assisted the consultant in developing the form of the report, have undertaken a preliminary review of the final report. Planning staff are generally satisfied with it, although they wish to ensure that the recommendations are in a form which can readily be implemented. The proposed zoning by-law amendments and site plan control guidelines are being reviewed to ensure the approach, format and level of detail is appropriate.

The report is in the process of being circulated to various affected departments and agencies, as well as others who were consulted or involved during the process of the study. Comments have been requested from these parties by mid-September. Following the review of the comments from the various departments and those provided at the public meeting, final recommendations will be prepared for the consideration of Planning and Development Committee.

CONCLUSION:

It is recommended that a public meeting be held to obtain input from citizens on the recommendations of the Residential Underground Parking Study. This meeting is anticipated to be held in October, 1994.

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Executive Summary

On September 23, 1992, the Planning and Development Committee of the City of Hamilton approved the preparation of the Residential Underground Parking Study. The primary focus of the study was to prepare recommendations for the design of **new** residential underground parking garages to **improve personal safety for users** of these facilities, particularly women.

Secondarily, the study was to provide analysis of safety of vehicles in regard to vandalism, and traffic safety related to pedestrians and vehicles in such new residential underground parking garages.

Further studies will be required to develop specific recommendations for existing underground garages in residential and non-residential structures in new garages in non-residential structures.

Concerns about safety in underground garages were previously raised by the Hamilton Status of Women Sub-Committee, in three separate presentations made in 1991 to a task force and committees of Regional and City Council. It was recommended that Hamilton and Hamilton-Wentworth consider safer urban design practices in underground parking garages. In addition, concerns were expressed by citizens about safety in underground parking garages which were planned as part of new multiple residential developments in Hamilton.

Hamilton's Official Plan, under subsection C.2 - Safety and Convenience notes that "Council will consider appropriate by-laws, encouragement, or other actions which may be deemed to have potential in maintaining security to persons or property." It specifically refers to illumination standards in parking garages; glass doors in stairways, parking garages and elevator foyers; and conveniently located parking spaces at civic buildings for use by the physically disabled.

Hamilton City Council adopted as part of its' Official Plan Amendment 109, in April 1992, the specific policy, "Support residential and neighbourhood development that respects safety concerns." The Regional Chairman's Task Force on Sustainable Development, January 1993 report, *Implementing Vision 2020*, referred to safety in public spaces, through location and design of ... parking spaces.

The Residential Underground Parking Study identifies safety concerns and makes suggestions for alleviating these concerns. In Hamilton, this was done through meetings with stakeholders and conducting safety audits, as well as doing on-site visits with the police and others. The consultant also surveyed selected municipalities across Canada for bylaws or guidelines, and for studies that made recommendations for increasing personal safety. Parking managers and engineers who were involved in building parking structures which considered personal safety as a design factor were contacted.

Information from a text, recent literature, and parking and security journals were reviewed. As well, an attempt was made to learn from the general public about unreported personal incidents that occurred in underground garages.

According to one study,¹ some of the characteristics of spaces which contributed to women feeling nervous or anxious about their safety were: dark/poor lighting; poor visibility; not being able to be seen by others; deserted areas; lack of access to help; places with hiding spots and/or en-

¹ Metro Action Committee on Public Violence Against Women and Children, Women Plan Toronto, York University Faculty of Environmental Studies. *The Women in Safe Environments (WISE) Report*. Toronto: METRAC, 1987

Residential Underground Parking Study Executive Summary

trapment areas; inadequate security systems; being alone; fear of confrontation/attack; sense of helplessness; and, perception of crime.

On the safety audits of underground garages conducted for this study, most of the preceding characteristics of spaces which contributed to women feeling nervous or anxious were found to exist. Seniors, women and men were involved in the audits. The police suggested that the primary concerns were the ability to: see ahead of and around oneself; get help; and, get out of the garage.

Based on the information reviewed, the key issues and physical areas to be addressed are: **light levels, sightlines** (exterior entrance to garage, interior of garage, stairwells, elevators, foyers, vestibules), **white or light painted walls, safe exit doors, signs, maintenance and security**. Traffic safety, another aspect of the study, seemed to be best addressed by lighting levels, signage and marked pedestrian crosswalks.

Performance criteria which can be mandated by Council will likely increase comfort levels and reduce frequency of opportunity for personal assault, vandalism and pedestrian-vehicle conflict. There must also be an educational system in place that encourages people to report intruders or to get help if a crime is in process. This would need to be backed up by police and/or other security staff or personnel who would be available and respond.

Performance Criteria

Vehicle entrances to garages should be designed to allow for natural surveillance of the garage entry and limit opportunity for intruders to enter. The location of the **exterior lighting** should provide visibility for the driver for key /card access and entry to the garage. There should also be sufficient light inside the garage entry for the driver to see.

Interior design of the garage should enable drivers and pedestrians to see and be seen by designing the garage by maximizing sightlines; providing appropriate lighting levels throughout the garage, in the stairwell and elevator areas; and, by painting walls, ceilings, columns white.

Pedestrian exits should be located and designed to allow pedestrians and those in wheelchairs to leave the garage quickly, easily, and safely. Exits and exit stairs should open onto safe streets and lanes.

Graphics and signage for pedestrians should include wheelchair access signs; directions to pedestrian exits; and, location signage to notify pedestrians what floor they are on and to indicate where exits lead. Signage for cars should be designed to direct vehicles to parking spaces and to vehicle exit(s) from the garage.

Preventive maintenance procedures should be developed and carried out.

Garage users should be encouraged to share responsibility for limiting access of unknown individuals to the garage and reporting the presence of intruders.

Future security needs such as two-way communications systems should be considered by laying conduit for security systems at the time of construction.

Disabled parking spaces should provide sufficient space to allow for rolling a wheelchair from the vehicle while the person remains seated.

Lynda Morris Management Services Limited

Residential Underground Parking Study Executive Summary

Parking spaces should allow sufficient space for loading and unloading regularly transported goods.

The **criteria** and/or recommendations developed are designed to **improve** personal safety, increase user comfort and decrease victimizations, however, since it is not possible to foresee nor to prevent every situation, these criteria are unlikely to eliminate **every** personal and property victimization. In the event that victimization or criminal or other untoward activity does occur, neither the Consultant nor the City shall be held liable.

Implementation

The performance criteria may be implemented in new construction by the development of by-laws and site plan control. A parallel but different set of criteria may need to be developed for existing residential buildings because of the nature and cost of retrofitting. Commercial garages and mixed residential-commercial garages need to have criteria developed. It is suggested that a package, brochure and/or checklist created and distributed by the Planning Department or their designee, be made available to architects, developers and others prior to, or early in, the design stage.

Further studies may need to be considered to address the needs of seniors and disabled individuals. It is strongly recommended that Council lobby the Provincial government to change the Ontario Building Code to ensure that personal safety issues are addressed.

CITY OF HAMILTON

Fa)

- RECOMMENDATION -

DATE: 1994 August 17

REPORT TO: Chairperson and Members
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: St. George's Anglican Church and Sunday School
137 Strathcona Avenue North, Hamilton (10 Tom Street)

RECOMMENDATION:

That City Council refer the heritage designation of St. George's Church to the Conservation Review Board.

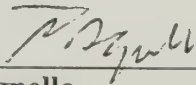
FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

At City Council's meeting of May 31, 1994, Item 10 of the 9th Report of the Planning and Development Committee was adopted. The resolution adopted by Council reads as follows:

- "10 (a) That City Council give approval to the "Intent to Designate" St. George's Anglican Church and Sunday School at 10 Tom Street as a property of historical and architectural value, as outlined in the Reasons for Designation attached hereto and marked as Appendix "E", pursuant to the provisions of the Ontario Heritage Act, 1983; and,
- (b) That the City Solicitor be authorized as directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

As an objection to the proposed designation has been received s.29(7) of the Ontario Heritage Act, R.S.O. 1990 requires that Council shall refer the matter to the Review Board for a hearing and report.



Tina Agnello

Fb)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 August 17

REPORT TO: Chairperson and Members
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: Information Reports

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

- (a) City Solicitor, Lot Grading Control dated 1994 August 16
- (b) City Solicitor, City of Hamilton Private Members Bill PR24 Penalties/Fines for By-law Infractions to the City Planning Act Fines dated 1994 July 19
- (c) Commissioner of Planning and Development: Approved Site Plan Control Applications dated 1994 August 17
- (d) Secretary, Committee of Adjustment:
Effect of Proposed Planning Act Legislation, Bill 163
(First Reading) on Minor Variance Processing

T. Agnello

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:



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